



## Weakening the Clean Water Act: What It Means for Mississippi

**A**cross the country, small streams (headwater, intermittent, and ephemeral streams) and wetlands are losing Clean Water Act protections in the wake of two recent Supreme Court decisions and subsequent federal agency directives. **At least 64% of Mississippi's streams — including 66% of the Pearl River Basin streams, 58% of the Pascagoula River Basin streams, and 46% of the Coastal Streams Basin streams — do not flow year round, and are at risk of uncontrolled filling and pollution, along with many of the state's remaining wetlands.** Without intervention from Congress or the Administration to restore Clean Water Act protections for waters that were protected prior to 2001, these waters will continue to be polluted or destroyed.

### Restoring Clean Water Act protections for small streams and wetlands will keep Mississippi's waters clean.

**Intact small streams and wetlands trap substantial amounts of sediments, nutrients, and chemicals keeping those pollutants from reaching downstream waters.** In one study, nutrients traveled less than 65 feet in a small headwater stream before being removed from the water. If not filtered out, these pollutants increase drinking water treatment costs, fill in reservoirs and navigation channels, and damage fisheries and recreation.



Salt Marsh, USNPS

- **At least 409 polluting facilities with pollution controls established by Clean Water Act permits are located on at-risk Mississippi streams.** If these streams lose Clean Water Act protections, federal permits will no longer be necessary, and the facilities will be able to pollute at will.
- In Mississippi's Hinds County, more than 108,000 people get their drinking water from public drinking water systems that rely on small and seasonal streams, and 62% of stream miles serving these water systems are small and seasonal.

### Restoring Clean Water Act protections for small streams and wetlands will reduce flooding in Mississippi communities.

Intact small streams and wetlands reduce the intensity and frequency of floods by absorbing significant amounts of water and slowing the flow of water downstream. **A single acre of wetland can store 1 to 1.5 million gallons of flood water, and just a 1% loss of a watershed's wetlands can increase total flood volume by almost 7%.** Mississippi has already lost almost 60% of its wetlands, including 10,000 acres of coastal marsh.

- **Flooding is the top natural disaster risk to Mississippi residents and every part of the state is at risk of flooding (the entire state is located within a mapped flood zone).** From January 1978 to April 2005, the National Flood Insurance Program paid more than \$278 million in flood insurance claims to Mississippians — about \$9.8 million each year. In August 2005, Hurricane Katrina pushed claims payments to more than \$2.8 billion.
- Today, Mississippi's wetland losses are mostly the result of residential and commercial development. Between 1972 and 2000, Mississippi's three southern counties (Hancock, Harrison, and Jackson) lost 33% of their wetlands while developed land in those counties increased by 51%. Wetlands that lose Clean Water Act protections can be developed with no federal permits or limitations.



Mississippi Emergency Management Agency

## Protecting small streams and wetlands is vital for fish and wildlife, and a vibrant recreational industry in Mississippi.



Blue heron, USFWS

Intact small streams and wetlands provide critical wildlife habitat. Wetlands, including geographically isolated wetlands, provide essential foraging, nesting, and escape habitat for fish and wildlife, and are particularly important for juvenile fish and birds migrating through the Mississippi Flyway. At least 16 at-risk animal and plant species are linked directly to geographically isolated wetlands in Mississippi.

- The U.S. Fish and Wildlife Service reports that Mississippi residents and nonresidents spent \$1.1 billion on wildlife recreation, including \$240 million in fishing related expenditures, in 2006. Some 611,000 Mississippi residents participated in wildlife watching; 465,000 Mississippians fished; and 238,000 Mississippians hunted.
- The Mississippi Department of Marine Resources' Coastal Preserves Program was established to protect the ecological integrity of the state's sensitive coastal wetland resources, including at risk, non-tidal wetlands. The state has acquired more than 35,000 of the 72,000 acres of coastal wetlands designated as critical Coastal Preserve habitat and continues to pursue the acquisition of the remaining wetland acres.

## Restoring Clean Water Act protections will protect small streams and wetlands that are essential to Mississippi's natural and cultural heritage.

The Mississippi Gulf Coast National Heritage Area management plan seeks to conserve the Gulf Coast's natural, cultural, and historical resources. The plan ties the region's identity directly to the rivers, streams, and wetlands that have created the natural bounty that has attracted people to the area for thousands of years and that remains a source of pride for local communities. The Heritage Area covers the state's six coastal counties of Hancock, Harrison, Jackson, Pearl River, Stone and George, and was established by federal legislation in December 2004.



USFWS

## Restoring protections will bolster enforcement of Clean Water Act requirements.

The Supreme Court decisions and subsequent agency guidance have added uncertainty and burdensome fact-finding and paper work requirements to the Clean Water Act permitting process and have negatively affected Clean Water Act enforcement cases regionally and nationwide. As a result, extensive resources are being diverted away from protecting human health and the environment to determining whether or not a water is protected by the Clean Water Act.

### Mississippi joined more than 30 states in asking the Supreme Court to uphold Clean Water Act protections for small tributaries and their adjacent wetlands.



Richard Seeley

## The Administration Must Restore Clean Water Protections for the Nation's Waters

For almost a decade, Congress has failed to enact legislation restoring the historic scope of the Clean Water Act. **To protect the Nation's waters, EPA and the Corps of Engineers should revise their definition of "Waters of the United States" to restore and clarify Clean Water Act protections, including for so-called "isolated wetlands," in a manner consistent with both law and science.** A successful rulemaking will restore and clarify protections for millions of wetland acres and stream miles, and will place these restored protections on a much more secure legal and scientific foundation.