



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

December 12, 2007

The Honorable John D. Dingell
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Dingell:

Four years ago, I urged Michigan's Congressional delegation to restore the original scope of the Clean Water Act to ensure protection of the water resources of the Great Lakes region, and the waters of the nation. Since then, the citizens of this state and this nation have become even more cognizant of the critical nature of our aquatic systems to our safety, our economy, and our quality of life. Horrific storms and floods have devastated coastal areas, especially where the historic loss of wetlands and alteration of streams removed natural protections. Ongoing droughts have highlighted the finite nature of freshwater supplies in numerous states. And our scientists are struggling to understand and control the threat of water quality impacts to our own Great Lakes – degradation that may result from many cumulative actions throughout the basin.

Therefore, once again, I am honored to support those of Michigan's delegation who have co-sponsored HR 2421 and S 1870 -- The Clean Water Restoration Act of 2007 – and I urge your colleagues to join you in reasserting the original intent of the Clean Water Act and in taking this essential step to protect our waters.

The Clean Water Act has provided a strong framework for the protection of our freshwater heritage for 35 years. Through the Clean Water Act, Congress wisely defined a common goal for all of the states – to restore and maintain the chemical, physical, and biological integrity of our nation's waters. Scientists, legislators, and many of our courts understand and agree that headwaters and wetlands play a pivotal role in achieving this goal. By their very nature, headwaters and associated wetlands are the wellspring of our water supply, replenishing our streams and our groundwater, while restraining floods and providing critical fish and wildlife habitat. The pollution or destruction of our waters at their source is totally inconsistent with Clean Water Act goals.

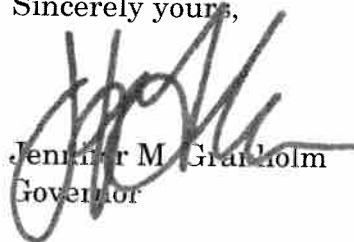
Regrettably, the U.S. Supreme Court has muddled the water protection program developed by Congress in a recent combined decision – *Rapanos v United States &*

Carabell v United States. The Court's fractured decision, which failed to include any majority opinion, has multiplied the uncertainty arising from a previous decision by the Court, and is now resulting in regulatory delays and resource damage nationwide. In the wake of the current regulatory uncertainty, some voices assert that Congress did not intend to provide comprehensive protection for our waters. I believe that the history of the Clean Water Act, and a common understanding of water and the interconnections among our water resources, will lead Congress to a different conclusion. Continued legal challenges and convoluted agency guidelines are only adding to the confusion regarding federal roles and responsibilities. A clear statement by Congress is essential.

In Michigan, our citizens and our resources are somewhat buffered from the uncertainty raised by the Supreme Court decision by a long-standing cooperative agreement under which Michigan administers its own permit program under Section 404 of the Clean Water Act, based on state law. However, the Great Lakes are not insulated from the impacts of the loss or degradation of resources in surrounding states, and it is critical to us that those water resources remain fully protected by federal regulations. Moreover, while we believe that it is entirely appropriate that states share responsibility for management of water resources that lie within their borders, protection of the integrity of our nation's waters is of such overarching importance that we also acknowledge the absolute necessity of adopting national water quality goals. We need a sound foundation of national standards as we continue to build interstate coalitions to protect our shared water resources.

My message to you must be as clear as Lake Superior: I urge Congress to restore the full scope and intent of the Clean Water Act by supporting the Clean Water Restoration Act of 2007. The result will be clarity for the public; reestablishment of consistent and universal goals and regulations among all those states whose actions impact our common treasure – the Great Lakes; and continuation of a highly effective, longstanding state-federal regulatory partnership in Michigan.

Sincerely yours,



Jennifer M. Granholm
Governor

Cc: Michigan Congressional Delegation
Mr. Dan Beattie, Governor's Washington Office
Mr. Stanley F. Pruss, Governor's Office
Mr. Steven E. Chester, Director, MDEQ
Mr. Jim Sygo, Deputy Director, MDEQ
Ms. Carol Linteau, Legislative Liaison, MDEQ
Ms. Elizabeth Browne, MDEQ