

JAN 14 2008

BUREAU OF ENVIRONMENT

PHIL BREDESEN
THE GOVERNOR OF TENNESSEE

10 January 2008

The Honorable Lamar Alexander
United States Senate
523 Dirksen Senate Office Building
Washington, DC 20515

RE: Clean Water Restoration Act of 2007

Dear Senator Alexander:

I am writing in support of the Clean Water Restoration Act of 2007 (H.R. 2421/S. 1870), a bill that is currently under consideration in the Congress.

Recent United States Supreme Court decisions have made this legislation necessary by stripping certain wetlands and headwater streams from coverage under the Act. By cutting back on the scope of the waters protected under federal law, the Court has jeopardized the clear intent of the Clean Water Act—to ensure that every community in the nation has access to clean, safe water. These decisions also have created confusion about exactly where the line is between what is covered by the Act and what is not. In *Rapanos v. U.S.*, the Court did not articulate a single, clear rationale for its decision. Since then, the different federal appeals courts have interpreted it differently. This has created a great deal of confusion, ambiguity, and litigation.

The Clean Water Restoration Act of 2007 addresses these problems with a simple, straightforward fix. The bill defines "waters of the United States" using the categories of waters that have been expressly covered by Environmental Protection Agency and U.S. Army Corps of Engineers regulations since the 1970s.

By once again establishing protection for those waters that historically have been protected, this bill removes the uncertainty and confusion for the regulated community and for the state and federal agencies who implement the Clean Water Act and related laws. The Clean Water Restoration Act of 2007 neither adds new jurisdictional waters nor alters the permitting process, but rather restores Clean Water Act protections to those that existed for decades before the recent Supreme Court decisions.

Tennessee's 60,000 miles of rivers and streams contain the greatest freshwater biodiversity in the nation. Most of these waters are hydrologically connected to one or more of our sister states. Each of our eight adjoining states implements requirements of the federal Clean

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Water Act. It is, therefore, critical to the states that there be clarity in the jurisdictional reach of the Clean Water Act and that it be sufficient to protect entire watersheds.

I encourage you to co-sponsor and/or support the Clean Water Restoration Act of 2007. The United States Congress must act to maintain the Clean Water Act's important protections for our nation's lakes, rivers, streams, and wetlands.

Warmest regards,

A handwritten signature in black ink, appearing to read "Phil Bredesen". The signature is stylized with a large initial "P" and a cursive "Bredesen".

Phil Bredesen