



CHARLES RIVER

conservancy

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The Honorable Gina McCarthy
Administrator
US Environmental Protection Agency

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army
Department of the Army, Civil Works

Water Docket
Environmental Protection Agency
Mail Code 2822T1200
Pennsylvania Avenue
Washington, DC 20460

Docket ID # EPA-HQ-OW-20011-0880

Dear Administrator McCarthy and Assistant Secretary Darcy:

I write these comments on behalf of the Charles River Conservancy (CRC). Founded in 2000, and with over 30,000 volunteers and supporters, we are a non-profit organization dedicated to making the Charles River and the parklands around it more active, attractive, and accessible to all.

One of the Conservancy's major goals has been to restore public swimming to the Charles River through our Swimmable Charles Initiative. The river has a long history of public swimming that was cut short in the 1950s by increasing awareness of the pollution present in the river's waters and sediment.

Since the 1990s, a coalition of public and private groups has worked together to restore the Charles. From 1995 to 2014, the water quality of the Charles River has increased from a D to an A-. The river now meets state swimming standards for most of the year, meaning public swimming is once again a possible recreational activity along the Charles. Working in concert with the Massachusetts Department of Conservation and Recreation (DCR) the Charles River Watershed Association (CRWA), and

other partners, the Conservancy held the first public swim in the Charles River in over fifty years in July 2013, and a second in July 2014. Our next goal is to establish a permanent location for swimming along the Charles River.

Clean water is immensely important to our organization and we support any and all efforts focused towards improving water quality. Along with the organizations represented in the letter below, we thank you for the proposal of a rule clarifying the scope of the Clean Water Act, and urge you to restore protections for millions of miles of streams and millions of acres of wetlands currently threatened by loopholes within the law.

Our organization believes that the Clean Water Act was intended to protect all America's waterways. Unfortunately, Supreme Court decisions and subsequent agency guidance have created confusion and uncertainty regarding which waters are protected under the Clean Water Act, limiting the law's ability to eliminate pollution and protect our nation's rivers, lakes and streams. This uncertainty has left nearly 60% of our nation's streams and countless wetlands at risk of even more pollution and destruction.

The kinds of waters at risk are enormously valuable. Headwaters and wetlands absorb flood waters, filter pollutants from contaminated water, contribute to the drinking water supply of over 117 million Americans, support fish and waterfowl prized by anglers and hunters, and feed our most beloved rivers, lakes, and bays.

The goal of the Clean Water Act is "to restore and maintain the chemical, physical and biological integrity of the nation's waters." Smaller waterways – including isolated wetlands – are an integral part of the nation's network of waters, and provide numerous ecological goods and services of significant value to society. If our nation hopes to achieve the goals of the Clean Water Act, all our streams and wetlands must remain within its jurisdiction.

Our organization supports the Administration's efforts to clarify that all tributaries – including intermittent, ephemeral, and headwater streams – are "waters of the United States" and should be protected under the law. These streams feed into iconic waterways from the Chesapeake Bay to the Great Lakes to Puget Sound.

We also urge your agencies to strengthen the categorical protections to be extended to our nation's wetlands. Many non-adjacent waters, referred to in the proposed rule as "other waters" provide critical benefits to the waterways we love, filtering out pollution and preventing flooding. Prairie potholes, Carolina and Delmarva Bays, and vernal pools are among the waters with great benefit to ecosystems and needing protection under the law. We urge you to follow the best science available on the connectivity of our waterways and protect at least those waters that have significant downstream effects.

Thank you for undertaking this important task and moving to ensure that our waterways get the protection they deserve. We look forward to working with you to see this rule finalized and enforced in the years to come.

Sincerely,

Renata von Tscharnner

Renata von Tscharnner
Founder and President
Charles River Conservancy

cc:

Senator Anthony W. Petrucelli

Representative Jay Livingstone
Representative Timothy J. Toomey, Jr.
Secretary Maeve Vallely Bartlett, Department of Energy and Environmental Affairs

Commissioner John P. Murray, Department of Conservation and Recreation

Brian Swett, Chief of Environment, Energy and Open Space, City of Boston

Francis Lawaetz, President, Charles River Swimming Club
Tani Marinovich, Executive Director, The Esplanade Association
Robert Zimmerman, Executive Director, Charles River Watershed Association