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02/25/2003 12:02 PM

To: CWAwaters@EPA
cc:
Subject: Docket ID No. OW-2002-0050

RESOLUTION

DEFINITION OF U.S. WATERS SUBJECT TO THE CLEAN WATER ACT

FEBRUARY 24, 2003

WHEREAS: the U. S. Army Corps of Engineers and the Environmental Protection Agency have requested public input regarding issues related to whatwaters are subject to Federal jurisdiction under the Clean Water Act (CWA) and other laws designed to protect the environment and particularly have requested public input regarding how "waters of the United States" shall be defined; and

WHEREAS: Clean water is essential for drinking, for recreational, industrial,commercial, and agricultural uses and for aquatic life and wildlife; and

WHEREAS: For 30 years, the Clean Water Act has played an essential role in protecting and restoring our nation's waterways; and

WHEREAS: This progress would not have been possible if the Act had not applied to all our nation's waters; and

WHEREAS: A more restrictive definition of the waters subject to the Clean Water Act would be detrimental to the health, safety, and welfare of Berlin Charter Township for the following reasons:

- A. Scientific studies repeatedly show the interconnectedness of surface waters, wetlands, and groundwaters. Therefore, adequate protection of navigable waters relies on protection of non-navigable tributaries and adjacent wetlands; and
- B. Isolated wetlands provide essential groundwater recharge services. In recent years, Southeastern Michigan aquifer levels have been declining, negatively affecting the amount of water available for residential, commercial and industrial use; and
- C. Smaller, isolated wetlands have been shown to provide as many ecological services to the Huron River Watershed as larger wetlands contiguous to waterbodies; and
- D. Flood control is dependent on proper management of the entire watershed draining to the Huron River, and

WHEREAS: Enforcement of water protection for isolated, ephemeral, non-navigable or adjacent waterbodies at the state level, without federal support under the Clean Water Act, would be

inadequate because:

1. Enforcement by the state of Michigan of existing water protection programs is underfunded and regularly inadequate; and
2. Without the leverage provided by Clean Water Act requirements, state compliance with water protection rules would be much less likely to occur.

THEREFORE BE IT RESOLVED: That the Berlin Charter Township Board hereby affirms that the definition of U.S. waters subject to the Clean Water Act should include, in addition to traditionally navigable waters, all non-navigable tributaries, intermittent and ephemeral streams, waters that passthrough man-made conveyances, and all wetlands whether or not there is avisible connection to surface waters.

BE IT FURTHER RESOLVED, That the Berlin Charter Township Board adopt the aforementioned resolution.

MOTION BY: S. LEMASTERS **SECONDED BY:** T. BLANCHETT to adopt the resolution as read.

Upon Roll Call Vote the following voted: "Yes": Blanchett, Masserant,

Lemasters, Lindquist,

Reaume, Laginess

"No": NONE

"Excused": Vaslo

Clerk Lemasters declared the **MOTION CARRIED** and the resolution adopted.

C E R T I F I C A T I O N

I, Sharon D. Lemasters, duly elected Clerk of the Charter Township of Berlin do attest and affirm that the foregoing is a true and a correct copy of a Resolution adopted by the Berlin Charter Township board, at a Regular Meeting held on February 24, 2003, and that said meeting was held in accordance with the Open Meetings Act of the State of Michigan, and do hereby affix the seal of the Charter Township of Berlin.

SHARON D. LEMASTERS, CMC

BERLIN CHARTER TOWNSHIP CLERK