



# STATE OF MINNESOTA

## Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

April 14, 2003

Christine Todd Whitman, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave. N.W.  
Mail Code 3213A  
Washington D.C. 20460

LTG Robert B. Flowers, Chief of Engineers  
U.S. Army Corps of Engineers  
Attn: CECW-OR  
441 G Street, N.W.  
Washington, D.C. 20314-1000

Dear Ms. Whitman and Lt. Gen. Flowers:

**Subject: Proposed Rulemaking on the Clean Water Act Regulatory Definition of  
"Waters of the United States"**

The Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and the Minnesota Board of Water and Soil Resources are jointly submitting (under separate cover) detailed comments on the Advanced Notice of Proposed Rulemaking. I am writing to urge you to carefully consider their comments and to affirm their recommendation.

As the "Land of 10,000 Lakes," Minnesota has a keen appreciation for its water and wetland resources. Our state is a nationally and internationally recognized destination for recreational tourism, largely because of our abundant lakes, streams and wetlands. Recent statistics indicate that over \$1 billion are spent annually on hunting, fishing and camping in Minnesota. We are also mindful of the fact that the headwaters for three major continental watersheds lie within our state and that our stewardship affects several states downstream and our neighbors in Canada.

Minnesotans have a long history of conserving and protecting our wetland resources, dating back to 1937. There have been many wetland policy and program initiatives since then, culminating in 1991 with the passage of the Minnesota Wetland Conservation Act, which established that it is in the public interest to:

- 1) Achieve no net loss in the quantity, quality and biological diversity of Minnesota's existing wetlands, and
- 2) Increase the quantity, quality and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands.

Today, wetland conservation and management in Minnesota is delivered through a carefully crafted blend of federal, state and local programs. Our regulations and programs for water resource protection have been developed over many years based on a clear understanding of Federal Clean Water Act jurisdiction. We rely on a partnership of federal, state and local programs and personnel to efficiently achieve a high level of wetland protection. We are concerned that any significant reduction in federal jurisdiction will disrupt this system. The result could lead to greater loss and degradation of our state's and the nation's waters and increased costs to the State of Minnesota and our local governments at a time when we can least afford it.

As outlined in our joint state agency comment letter, we recommend that the Corps and EPA revise the federal regulations in a manner that acknowledges the specific, limited reach of the Supreme Court decision in *Solid Waste Agency of Northern Cook County*. The revised regulations should not indiscriminately exclude a large subset of the nation's waters from Clean Water Act jurisdiction based on a concept of "isolation" that is impractical to define and rarely exists in fact.

Thank you for the opportunity to comment in advance of the Federal rule revision. We look forward to reviewing the draft regulations.

Sincerely,



Tim Pawlenty  
Governor

c: Minnesota Congressional Delegation