

Dear Students, Colleagues, and Friends,

Aunt Bev died last night. She's not my aunt but as the relation of a best friend and someone in a sphere I inhabit, her passing jerked me to attention. As death often does, it reminded me of the ephemeral nature of our little bodies. At times, I become glazed in mind and spirit with the terrible panoply of information on technology, power and politics, global social strife and increasingly (though I try to shut it out) what celebrities are doing. I spend time working on a million "important" things which are often hard to recall at the end of the day. Still, when death comes knocking, clarity can shear its way quickly and cleanly into our lives.

Compared to human life and the composite of things we can accomplish on this planet, ecosystems work across the ages. Staring a gnarled cedar tree in South Carolina earlier in the week, I was thinking about the inveterate support of millions of life forms this old soldier has provided through the decades. Although clearly relying on water supply, solid ground for its foundation and the continued good will of its human neighbors, this tree came before us and will continue on long after we pass offering its contributions of cleansed air, water storage, food provision and home to many. Is there any way I could compare to such a being? What could I do to provide a positive legacy to this ecosystem, translated literally as, "household" or "family" system?

All of us are involved in a combination of the development, creation, deployment, usage, recycling, upcycling and/or education of and about "stuff". Stuff is ubiquitous in our every day. I'm not going to sit here and caption stuff as good or bad. (For that, many of you have read or experienced my lessons on "enough".) What I am going to do is provide you a way to support the system from which stuff emerges – the ecosystem. Regardless of any of our individual feelings or practices regarding stuff, we're all involved with it. Unless you are a monk (in which case you probably wouldn't be reading this missive) stuff brings you some kind of satisfaction and/or support in your daily life. But of course, stuff comes from somewhere and something. That's right. At the very beginning of stuff is our ecosystem.

So, whether you take action because encountering a 200-year-old cedar tree fills your heart and makes you nearly weep with joy or whether you simply act to support your supply of stuff, the following links and [news](#) should inspire action of some sort.

This week the U.S. EPA issued a clarifying definition of waters of the state (waters governed by . . . government). <http://www2.epa.gov/uswaters/definition-waters-united-states-under-clean-water-act> Simply put, waters of the state are what feed our cedar tree and help provide our stuff.

As you think about how these waters work, consider a sponge. You remember the water cycle; how water falls to Earth and how the majority (minus what's evaporated) is absorbed into the trail leading from vegetation and land to tributaries, rivers, lakes and oceans. During the "vegetation and land to tributaries" portion of this journey there has been a good deal of jockeying over the years over what's what and where can we disturb things and not. The most important thing is – we need to preserve the spongy abilities of Earth to provide for all portions of our ecosystem – because some of us like to provide for all the organisms (including our cedar tree and all its denizens) and some of us like stuff which, as I said, originally comes from ecosystems . . . which need healthy water to thrive and indeed, even live.

Following are two items to read and one request. The two things are a press release from EPA explaining what they're doing with regard to defining what makes a tributary a tributary etc. and an Op-

Ed from the head of EPA explaining both what and why. The request is that you take the time to read enough of these to make a comment. EPA doesn't need fancy scientific or technologically astute language. I have it on good authority that they really appreciate folks who write in to say something like, "Streams are important whether they run year round or not. They support everything we need for life." Of course, they need scientific comments too. You know, because you know me (or at least were probably referred to this [newsletter](#) by someone who does know me) that I'm hoping your comments will be in support of the benefits of their inclusions of ephemeral and intermittent streams, in effect, supporting the sponge effect that supports life. We have so little time on Earth. If we want to leave a positive legacy we need to take positive actions – whenever and wherever we can.

This information is so new that the "official" commenting site is not yet "live" online. However; if you periodically visit <http://www2.epa.gov/uswaters> and go to the lower right-hand corner, when it is live you will be able to submit comments here. You will also notice there are instructions within the text at <http://www2.epa.gov/uswaters/definition-waters-united-states-under-clean-water-act> but you will still need to wait for the official comment period, which should be announced soon.

EPA and Army Corps of Engineers Clarify Protection for Nation's Streams and Wetlands: Agriculture's Exemptions and Exclusions from Clean Water Act Expanded by Proposal

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WASHINGTON — The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Army Corps) today jointly released a proposed rule to clarify protection under the Clean Water Act for streams and wetlands that form the foundation of the nation's water resources. The proposed rule will benefit businesses by increasing efficiency in determining coverage of the Clean Water Act. The agencies are launching a robust outreach effort over the next 90 days, holding discussions around the country and gathering input needed to shape a final rule.

Determining Clean Water Act protection for streams and wetlands became confusing and complex following Supreme Court decisions in 2001 and 2006. For nearly a decade, members of Congress, state and local officials, industry, agriculture, environmental groups, and the public asked for a rulemaking to provide clarity.

The proposed rule clarifies protection for streams and wetlands. The proposed definitions of waters will apply to all Clean Water Act programs. It does not protect any new types of waters that have not historically been covered under the Clean Water Act and is consistent with the Supreme Court's more narrow reading of Clean Water Act jurisdiction.

"We are clarifying protection for the upstream waters that are absolutely vital to downstream communities," said EPA Administrator Gina McCarthy. "Clean water is essential to every single American, from families who rely on safe places to swim and healthy fish to eat, to farmers who need abundant and reliable sources of water to grow their crops, to hunters and fishermen who depend on healthy waters for recreation and their work, and to businesses that need a steady supply of water for

operations.”

"America's waters and wetlands are valuable resources that must be protected today and for future generations," said Assistant Secretary of the Army (Civil Works) Jo-Ellen Darcy. "Today's rulemaking will better protect our aquatic resources, by strengthening the consistency, predictability, and transparency of our jurisdictional determinations. The rule's clarifications will result in a better public service nationwide."

The health of rivers, lakes, bays, and coastal waters depend on the streams and wetlands where they begin. Streams and wetlands provide many benefits to communities – they trap floodwaters, recharge groundwater supplies, remove pollution, and provide habitat for fish and wildlife. They are also economic drivers because of their role in fishing, hunting, agriculture, recreation, energy, and manufacturing.

About 60 percent of stream miles in the U.S. only flow seasonally or after rain, but have a considerable impact on the downstream waters. And approximately 117 million people – one in three Americans – get drinking water from public systems that rely in part on these streams. These are important waterways for which EPA and the Army Corps is clarifying protection.

Specifically, the proposed rule clarifies that under the Clean Water Act and based on the science:

- Most seasonal and rain-dependent streams are protected.
- Wetlands near rivers and streams are protected.
- Other types of waters may have more uncertain connections with downstream water and protection will be evaluated through a case specific analysis of whether the connection is or is not significant. However, to provide more certainty, the proposal requests comment on options protecting similarly situated waters in certain geographic areas or adding to the categories of waters protected without case specific analysis.

The proposed rule preserves the Clean Water Act exemptions and exclusions for agriculture. Additionally, EPA and the Army Corps have coordinated with the U.S. Department of Agriculture (USDA) to develop an interpretive rule to ensure that 53 specific conservation practices that protect or improve water quality will not be subject to Section 404 dredged or fill permitting requirements. The agencies will work together to implement these new exemptions and periodically review, and update USDA's Natural Resources Conservation Service conservation practice standards and activities that would qualify under the exemption. Any agriculture activity that does not result in the discharge of a pollutant to waters of the U.S. still does not require a permit.

The proposed rule also helps states and tribes – according to a study by the Environmental Law Institute, 36 states have legal limitations on their ability to fully protect waters that aren't covered by the Clean Water Act.

The proposed rule is supported by the latest peer-reviewed science, including a draft scientific assessment by EPA, which presents a review and synthesis of more than 1,000 pieces of scientific literature. The rule will not be finalized until the final version of this scientific assessment is complete.

Forty years ago, two-thirds of America's lakes, rivers and coastal waters were unsafe for fishing and swimming. Because of the Clean Water Act, that number has been cut in half. However, one-third of the nation's waters still do not meet standards.

The proposed rule will be open for public comment for 90 days from publication in the Federal Register. The interpretive rule for agricultural activities is effective immediately.

More information: www.epa.gov/uswaters

Huff Post Green

Op-Ed

[Gina McCarthy](#) Administrator, U.S.Environmental Protection Agency

Clearer Protections for Clean Water

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Today, the Environmental Protection Agency (EPA), in partnership with the U.S. Army Corps of Engineers (USACE) is taking action to protect our precious water resources.

Many of us have fond memories of playing at our neighborhood pond or taking a swim in the local river. We remember the unspoiled wetlands and streams where our parents took us hunting and fishing as kids. We value our deep-rooted ties to the lakes and rivers that shape where we grew up and where we live. Our waters define who we are as people and as a nation.

Before 1972, that identity was threatened. Back then, levels of toxic pollution in our waters were so high that a river in Ohio caught fire. Americans deserved better, and millions of voices called for change.

Congress answered the call with the passage of the Clean Water Act.

For more than four decades, the Clean Water Act has protected our right to safe water to drink and pristine places to hunt, fish, swim, and play. The law didn't just defend the mighty Mississippi or our Great Lakes; it also protected the smaller streams and wetlands that weave together a vast, interconnected system. It recognized the dangers of dumping toxic pollution upstream, because healthy downstream lakes and rivers are beholden to the streams and wetlands that feed them.

Incredibly, one in three Americans -- more than 117 million people -- get their drinking water from these types of streams and headwaters. For example, every single one of more than two million people in Suffolk County, Mass., where I grew up, gets at least some of their water from these sources.

Water doesn't just nourish our people -- it sustains a strong American economy. Our farmers and ranchers need access to clean water to grow the fuel, food, and fiber that feed our nation.

Manufacturers rely on abundant water supplies to make everything from cars to computer chips. And the energy sector depends on water to produce affordable power for our homes and businesses.

According to the Outdoor Industry Association, outdoor recreation alone pumps more than \$640 billion in direct consumer spending into the economy each year, accounting for more than six million domestic jobs.

Without Clean Water Act protections -- there's often nothing stopping sewage, toxic chemicals, or some other worst-case water scenario from threatening our health and livelihoods. Unfortunately, over the last decade, the Clean Water Act has been bogged down by confusion. Two complex court decisions narrowed legal protections and muddled everyone's understanding of what waters are -- or are not -- covered under the law. Protections have been especially confusing for those smaller, vital interconnected streams and wetlands.

That's why our action is so important. Based on sound science and the law, we're proposing a Clean Water Act rule that clarifies which waters are protected -- with an eye toward those critical waters upstream.

Some may think that this rule will broaden the reach of EPA regulations -- but that's simply not the case. Our proposed rule will not add to or expand the scope of waters historically protected under the Clean Water Act. In the end -- the increased clarity will save us time, keep money in our pockets, cut red tape, give certainty to business, and help fulfill the Clean Water Act's original promise: to make America's waters fishable and swimmable for all.

But to get this rule right, we need everyone to be part of the conversation. We're holding discussions around the country and gathering input to help shape the final rule. Visit www.epa.gov/uswaters to learn more about the Clean Water Act and how you can comment on our proposal.

We've made a lot of progress over the last four decades. Our rivers are no longer flammable -- but we still have a ways to go. We need to do what we can to clear the way for the Clean Water Act do its job -- protecting our health, providing for our cherished pastimes, and promoting a thriving economy.

Today's proposed rule helps clear that path forward. It gets us closer to clean, healthy waters upstream and downstream, so our children's children can enjoy the same treasured places we enjoy today.

Best to you and our planet too,

Margo

Margo Farnsworth

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Give good people good information and they'll do good things.

(If you've just received this single newsletter, it may be because I thought you'd be interested in this particular subject. You may or may not get others. If you want on my list regularly, e-mail me. If you want off my list, e-mail me. Thanks!)