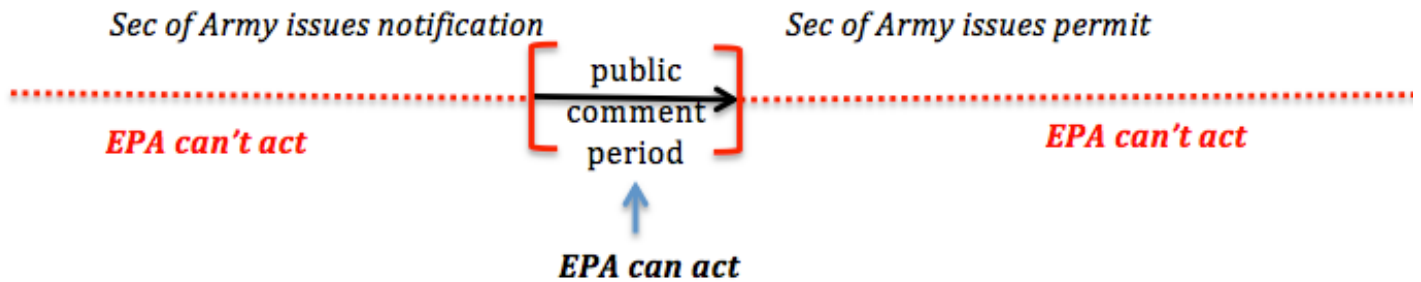


CLEAN WATER ACT UNDER ATTACK – Proposed changes to Section 404c

Two proposals in Congress seek to undermine the commercial fishing industry and Alaska Native communities of Bristol Bay, Alaska and the Clean Water Act. Section 404 C of the Clean Water Act authorizes the Environmental Protection Agency (EPA) to deny or restrict dredge or fill permits ***whenever*** the discharge will have unacceptable adverse effects on fisheries. It is a reasonable, science-based approach to protecting our nation’s most valuable and productive fisheries.

The Regulatory Certainty Act (S 2156) and the Regulatory Fairness Act (4854) would restrict when the EPA can use its Clean Water Act 404(c) authority to a narrow 30-day window.



H.R. 4854/S. 2156 undermines science and thousands of American jobs supported by Bristol Bay. In February of 2014, following a three-year scientific study, the Environmental Protection Agency initiated the Clean Water Act 404(c) process to protect Bristol Bay, Alaska from the proposed Pebble mine. The EPA’s study determined that the Pebble Mine could:

- Destroy 14,000 American jobs and a \$1.5 billion commercial fishing economy
- Cause the direct loss of up to 94 miles of salmon-supporting streams in the region
- Destroy up to 5,350 acres of wetlands, ponds, and lakes

After more than three years of study, there is nothing preemptive about EPA’s decision to initiate the 404c process. The EPA and Army Corps of Engineers also now have Guidance for better interagency coordination on dredge and fill permits.

Section 404c Quick Facts

- Army Corps of Engineers process around **60,000 dredge and fill permits** per year, amounting to over 2.5 million applications since the Clean Water Act passed in 1972
- The EPA has made use of 404c only 13 times.



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