



Hunters and Anglers: Supporting Our Nation's Economy and Conservation

Hunting and fishing are not simply traditions or hobbies – they are fundamental components of our nation's economy. Tens of millions of Americans enjoy these activities every year. The money they spend supports everything from major manufacturing industries to small businesses in communities across the country. It also generates hundreds of millions of dollars each year for wildlife management, habitat conservation, and public access.

These economic and conservation benefits plus hundreds of thousands of American jobs all depend on clean water and productive wetlands.

Streams and Wetlands At Risk

Healthy populations of fish and waterfowl and success in the field depend on clean water and abundant wetlands. Yet the streams and lakes that support trout and other fish and wetlands essential to ducks are at increasing risk of pollution and destruction. These resources are threatened by U.S. Supreme Court decisions in *SWANCC* (2001) and *Rapanos* (2006) and subsequent agency guidance issued in 2003 and 2008. Twenty million acres of wetlands, especially in the critical prairie pothole "duck factory," have already lost Clean Water Act protections. Nearly 60 percent of streams nationwide – particularly small streams with the cleanest, coolest water – are also at risk.

America's Hunters and Anglers: Millions Strong

Hunting and angling have always been popular activities among Americans of all ages. According to the U.S. Fish and Wildlife Service, which conducts the most comprehensive assessment of hunting and angling nationwide, more than **14 million Americans of all ages are hunters**. More than **38 million Americans, including children, are anglers**.

Hunting and Angling Drive Economic Growth, Support Jobs

Hunters and anglers spend tens of billions of dollars annually to pursue the sports they enjoy. Their spending supports our economy at every level – from coffee shops and gas stations in small communities to major companies that manufacture firearms, boats, and fishing tackle. These expenditures directly support jobs in almost every corner of the country.

- Based on a 2011 Southwick Associates report, **hunters and anglers contributed more than \$95 billion to the economy in 2006**. This total includes expenditures for goods, services, and federal and state taxes. It does not include the additional economic benefits this spending produces, such as jobs created or supported at local retailers or national manufacturers.
- According to the Fish and Wildlife Service, the **top 10 states for expenditures by hunters and anglers in 2006** were

□ Texas:	\$6.23 billion
□ Florida:	\$5.03 billion
□ Pennsylvania:	\$3.96 billion
□ California:	\$3.80 billion
□ Minnesota:	\$3.60 billion
□ Michigan:	\$3.51 billion
□ Wisconsin:	\$3.17 billion
□ Missouri:	\$2.51 billion
□ Ohio:	\$1.97 billion
□ New York:	\$1.96 billion



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- The Fish and Wildlife Service estimates that **America's 1.3 million duck hunters had a positive economic impact in 2006 of more than \$2.3 billion, which supported more than 27,000 private sector jobs.**
- The American Sportfishing Association reports that **anglers generated nearly \$125 billion in total economic activity in 2006 and supported more than 1 million jobs.** Freshwater fishing, which is most closely tied to the waters threatened by the Supreme Court decisions, generated approximately \$88 billion – 70 percent of the total.
- The Fish and Wildlife Service reports that **6.7 million trout anglers contribute nearly \$5 billion annually to the U.S. economy.**

Hunters and Anglers Fund Conservation Nationwide

In addition to boosting the economy, America's hunters and anglers provide a significant proportion of the funding that directly supports wildlife management, habitat conservation, and recreational access at the local and state levels.

Hunters and anglers agreed decades ago to pay federal excise taxes on firearms, ammunition, fishing rods and tackle, archery equipment, and motorboat fuel to fund wildlife and fisheries restoration. These taxes, distributed

to the states every year, along with license and other fees account for the majority of state fish and wildlife agency budgets. Although these payments directly support hunting and angling, they also provide incredible benefits to millions of other Americans who enjoy outdoor recreation, visit public lands, and watch wildlife.

The contributions of hunters and anglers are significant both annually and historically:

- **In 2011, states received nearly \$749 million in hunter/angler excise taxes – \$364 million for conserving and restoring fisheries, \$384 million for wildlife.**
- **Over the past 70 years, hunters have paid more than \$6.4 billion in taxes that directly support wildlife restoration, habitat conservation, and hunter education.**
- **Since the 1950s, anglers have paid more than \$6.5 billion in taxes that directly support fisheries restoration and public access to rivers, lakes, and other waters.**

If fewer people fish because small streams are polluted or hunt ducks because wetlands are drained, the revenue and economic activity associated with every aspect of hunting and angling will diminish. This will directly and negatively impact fish and wildlife management and habitat conservation in every state.



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Water in Crisis

How the Clean Water Act is Broken and Why the Obama Administration Must Fix it



"Can we afford clean water? Can we afford rivers and lakes and streams and oceans which continue to make possible life on this planet? Can we afford life itself? Those questions were never asked as we destroyed the waters of our nation, and they deserve no answers as we finally move to restore and renew them. These questions answer themselves."

- U.S. Senator Ed Muskie

The Clean Water Act has protected the Nation's water bodies from unregulated pollution and rescued them from the crisis status they were in during the late 1960s and early 1970s. When the Clean Water Act was passed in 1972, our waters were in dire shape. The **Cuyahoga River** caught fire several times, **Lake Erie** was all but devoid of life, oil spills commonly occurred on our coasts, and industrial polluters treated rivers and lakes as **open sewers**.

The nation responded to this crisis, and Congress passed the Clean Water Act to protect our waters from pollution and address the public's demand for unpolluted streams, rivers, lakes, wetlands and beaches.

Now these vital protections are being lost. In two recent decisions, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* in 2001 and *Rapanos v. United States* in 2006, the Supreme Court misinterpreted the law and placed pollution limitations for many vital water bodies in doubt. After the decisions, the United States Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) excluded numerous waters from protection and placed unnecessarily high hurdles to protecting others, making the job of enforcing the law even tougher than the Court decisions required .

Because of the muddled mess left by the Supreme Court and agencies' guidances, many polluters across the country have simply determined that specific waterways lack protection and acted to destroy, degrade or pollute that water without informing federal officials. Below are just a few **examples** of the thousands of water bodies that have been negatively affected by the loss of protections in the last decade and highlight the urgent need for the Obama Administration to take every measure it can under law to restore full Clean Water Act protections to our waters:

- Caliente Creek is a 20 mile ephemeral stream in California that has lost protections it once enjoyed. Water from the creek flows through a series of waterways and into a wetland. The wetland is "highly likely" to have subsurface flow to the Eastside Canal, a diversion off the Kern River. Apparently because the direction of flow in the canal is away from the Kern River, the Army Corps concluded that flow from Caliente Creek would not substantially affect the health of the river. Previously, the Clean Water Act would have protected Caliente Creek, either because it could be considered a tributary to an impoundment of a navigable water, or because it

is a water in which “the use, degradation or destruction of which could affect interstate or foreign commerce” under the agencies’ regulations.

- Minnesota is known as “The Land of 10,000 Lakes.” But the state nearly lost the Clean Water Act as a safeguard against polluting two big Minnesota lakes. At risk were Boyer Lake, a 310 acre lake in Becker County, and 70 acre Bah Lakes in Douglas County. Boyer Lake has several small islands, bays and peninsulas, and boasts a public boat ramp as well as boat access from the highway. Bah Lakes is popular for canoeing, as well as birdwatching, crosscountry skiing, hiking, hunting, and snow shoeing. Despite the use of these waters by boaters, the local office of the Corps ruled that each of these lakes is an “isolated, non jurisdictional water with no substantial connection to interstate (or foreign) commerce.” This determination would have meant that the Clean Water Act would no longer constrain polluters from discharging into, or even destroying, nearly 400 acres of Minnesota’s fresh waters. Ultimately the government reversed these misguided determinations. Officials in EPA and Corps headquarters overturned the determination for Boyer Lake, but the Corps refused to join in EPA’s ruling that Bah Lakes was still protected by the Clean Water Act.



- Over 50 miles long, **the Los Angeles River** flows from the suburbs of the San Fernando Valley to the ocean in Long Beach. In the late 1930s the Army Corps of Engineers initiated flood control projects and lined 80 percent of the river with concrete. The L.A. River became a no-man’s land, with fences and signs discouraging



its use. But today, people see the L.A. River differently and have hatched major plans to revitalize the river to protect people and wildlife, promote a healthy river, and leverage economic development. Unfortunately, just as these plans are underway, the Corps issued a ruling that would have undermined federal Clean Water Act protections for the headwaters and wetlands in the L.A. River Basin, threatening the health of those waters and the quality of the L.A. River itself. The June 2008 ruling determined that only two small stretches of the river – totaling a meager four miles (less than 10 %) –

qualified as “traditionally navigable waters.” Fortunately, in August 2008 the EPA stepped in and designated the L.A. River a “special case,” essentially taking the authority to determine the river’s status away from the Corps.

- The Santa Cruz River in Arizona is a significant natural resource for the communities along its banks, and an important cultural and historic resource. In May 2008, after the Corps’ L.A. District staff conducted an extensive study and prepared a detailed report, the District formally ruled that two long reaches of the Santa Cruz River in southern Arizona are “traditional navigable waters” (TNWs). Soon thereafter, the Corps withdrew the findings from the agency’s website suddenly and without explanation – apparently repudiating or at least reconsidering their initial ruling. An investigation by the Chairmen of the House Transportation Committee and the House Oversight Committee concluded that the Assistant Secretary of the Army (ASA) for Civil Works, John Paul Woodley, urged his staff to pull the initial determination after **corporate lobbyists and other special interests** complained about the staff’s legal and scientific findings. The Corps’ action could have undercut Clean Water Act safeguards for the headwaters and



wetlands in the Santa Cruz watershed. The EPA made the Santa Cruz determination a “special case” (as it did with the L.A. River) to take the decision away from the Corps. In December 2008, EPA reinstated the Corps District's initial determination that the two reaches are protected by the law.

- Avondale Creek is a continuously flowing stream in north Birmingham, Alabama. In June 2005 a jury in Birmingham found pipe manufacturer McWane, Inc. and company managers guilty of knowingly discharging oil, lead, zinc, and grease into Avondale Creek in violation of the Clean Water Act. In this **criminal, midnight dumping case**, the district court sentenced McWane to 60 months probation and a fine of \$5 million. The individuals were sentenced to fines ranging from \$35,000 to \$90,000 and to varying lengths of probation. The McWane defendants challenged their sentences by claiming that the government had not shown that Avondale Creek was protected by the Clean Water Act. Consequently, the Court of Appeals reversed the convictions and sent the case back to the district court for a new trial. In response, the judge who presided over the trial of the McWane defendants went so far as to take himself off the case, saying, **"I am so perplexed by the way the law applicable to this case has developed that it would be inappropriate for me to try it again."**
- **Sewage bubbled up** in people's yards after developers Robert J. Lucas, Jr., Big Hill Acres, Inc., and associated individuals illegally filled in hundreds of acres of wetlands during the development of a 2,600 acre subdivision on property in Vancleave, Mississippi known as Big Hill Acres. They sold hundreds of home sites on the filled-in wetlands, despite warnings from public health officials that they were illegally installing septic systems in saturated soil that would contaminate the properties. When the Justice Department brought an enforcement action, Lucas and his associates argued that that the waters bubbling with sewage were not waters of the U.S. More than 600 families moved into Big Hill Acres, and within just a few years, a large number of the septic systems failed, causing raw sewage to seep up from the ground and flow across the development. A number of the homes in Big Hill Acres also suffered from slow drainage; brown, foul-smelling water backing up into bathrooms, kitchens, laundries and sinkholes; and standing water on the lots with debris rising to the surface.



When faced with a criminal prosecution for violating the Clean Water Act, attorneys for the defendants argued that the Clean Water Act did not protect the Big Hill Acres' wetlands because they were not adjacent to navigable waterways. This argument was ultimately unsuccessful, and the defendants were convicted on all counts of the indictment in January 2005. But the fact that defendants in such an egregious case of water pollution directly in the Gulf of Mississippi watershed could even make a colorable argument that the Clean Water Act no longer protects these wetlands or prohibits the discharge of sewage into them, is cause for great concern.



These few case studies reveal merely the tip of the iceberg. What makes the current state of affairs particularly pernicious is that much of the destruction to our waters occurs well below the radar of public scrutiny. It is time for Congress to step up and remedy this problem.



irretrievable harm.

The Obama administration must act – and act now – to stop the bleeding and restore basic Clean Water Act protections to our waters by enacting the Clean Water Restoration Act. Legislation is needed to restore the traditional scope of protection intended by Congress. Americans need these safeguards to achieve the goal of restoring and maintaining the chemical, physical and biological integrity of the nation's waters.

Until the Obama EPA and Corps' finalize policies to restore Clean Water Act protections for streams, wetlands, river and lakes – large and small—, the waters of this country are going to suffer

The stakes are enormous – inaction jeopardizes safe and sufficient water. We cannot afford to let the current rollbacks and legal confusion erase three decades of progress and return us to the days of widespread dirty water.

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