Who Decides? : The Clean Water Act is Challenged in the Supreme Court

Is it worth changing a decades old regulatory act and potentially damaging an entire ecosystem just for another mall or condominium development? The answer seems obvious, however the Supreme Court will be answering that very question in the near future.

Two cases are going before the Supreme Court that could remove more than half of the nation’s streams and wetland from protections stated in the federal Clean Water Act. In one case, a developer from Michigan was planning to sell his wetland for a shopping center, and filled it in with sand without applying for a permit to do so. The second case involves a condominium developer, also from Michigan, who applied for a permit to fill in wetlands and was denied.

The questions revolving around this case is where exactly federal authority ends along the waterways of the United States, from rivers to ditches and everything in between. Does it reach into all the little tributaries of major streams and the wetlands that drain into them? Or, instead, does it end with all the waterways that are actually navigable? Or, someplace between the two extremes? There is also the issue of what exactly the definition of navigable waters means, and how many of the 100 million acres of wetlands can be protected under the Clean Water Act.

In both cases, which mix both problems relating to hydrology and federalism, the developers argue the United States and the Clean Water Act has over-stepped its boundaries by asserting power over ditches and wetlands far from any major body of water.

Perhaps what these developers don’t realize is that wetlands are habitats for creatures at the very bottom of many food chains and removing these creatures could disrupt the circle of life in habitats surrounding and based on the wetland ecosystem. Wetlands also filter out some nutrients and pollutants preventing them from reaching streams and buffer against flooding.

If it is decided that these wetlands can no longer be protected, then most likely the tributaries surrounding the area will no longer be protected leaving them susceptible to discharges of sewage, toxic chemicals, and medical waste which will lead to detrimental effects in those watersheds.

In previous cases pertaining to similar issues, the Supreme Court has ruled that it is indeed constitutional to regulate some waters even if they are not navigable. Essentially, they were referring to the role wetlands play in protecting and balancing larger waterways, and it was ruled that the federal government could control wetlands. However, in another case, the Court ruled that the government had overreached its legal authority in claiming control over an isolated body of water that didn’t have a “significant nexus” to any true navigable stream.

(Continued on page 3)
Feature Creature:

By Perry Bruno, Allegheny College Student

I am a reptile. I can have a shell length of 45 cm and I can weigh up to 15 kg. I have a long neck and very muscular jaw and legs. I have a very long tail which also makes me look bigger. I’m very shy and will swim away from you in the water, but if you come up to me on land, I may lunge out and give you a painfully strong bite. I can eat many different plants and animals. I lay many eggs that will hatch in September or early October. Who am I?

Source: http://www.dwcanonfishing.com/dogwood_canyon_gallery.htm

Creek to Creek: Find out what other Creek Connections Classes are up to

Above: Mrs. Golenberke’s class is currently working on an ongoing environmental writing unit. Besides writing activities that reflect the chapters and topics they are currently covering, they are looking at and writing different styles of poetry as well as keeping nature journals. In the future they are hoping to analyze and critique works of other writers and look at rhetoric used to present information about environmental issues. Creek Connections water quality monitoring and activities help them to understand environmental issues and shows them ways to observe their environment.

Get Published!

This should be a photo of you and your class. Send in pictures, poems, articles, puzzles, games, etc. to Creek Connections and you could be published in the highly acclaimed “Link”. Email your submissions to us at creek@allegheny.edu. We want to hear what you are doing in (and out of) your classroom!
Have you started working on your symposium project?

By Emily Ricotta, Allegheny College Student

This year’s symposium is quickly approaching and everyone is busy coming up with their ideas to impress the masses. Past projects have ranged from research results to history presentations, and even “Creek Factor”. This year we are hearing about lots of great projects. Here are some pictures of schools collecting data and preparing for the symposium.

Above: Mr. Hayden’s students at Meadville Middle School follow proper procedures when testing their creek water.

Above: Mrs. Dobson’s class at Linesville High School brave February temperatures to collect aquatic macroinvertebrates from their stream.

Above: Ms. Griest’s class at Seneca Valley Intermediate High School enjoy getting out of the classroom to do their water quality monitoring.

Left: Mr. Brunner’s class at Shady Side Academy Middle School are well prepared when they conduct their water quality monitoring.

Clean Water Act (Continued from page 1)

So, the fate of the Clean Water Act and over half of the wetlands (up to 99% in one estimate) of the United States is now in the hands of the Supreme Court, and only time will tell whether the term “navigable water” is redefined and a large number of our most prized ecosystems are jeopardized.

Testing Tip
By Carrie Kean, Allegheny College Student

Correct Temperature Taking Methods

Everyone thinks it’s so easy to take the temperature, so they often just throw the thermometer into the water and forget all about the proper techniques used for getting the most accurate reading. It may not be that difficult to take the temperature, but there still are some things to remember such as allowing the thermometer to stabilize by holding it in the water for at least one minute. Another important thing to remember is when holding the thermometer in the water; make sure it’s not touching the sides or the bottom of the container. Also, remember to take the temperature as soon as possible for the most accurate results.

FEATURE CREATURE ANSWER:
This issue’s Feature Creature (pg. 2) is a snapping turtle. Genus - *Chelydra*, Species - *serpentina*.

CREEK CONNECTIONS
Box 10, Allegheny College
520 North Main Street
Meadville, PA 16335

Connect to
CREEK CONNECTIONS
Box 10, Allegheny College
520 North Main St.
Meadville, PA 16335
Phone: 814.332.5351
Fax: 814.332.2789
Email: creek@allegheny.edu
Web: http://creekconnections.allegheny.edu

CREEK CONNECTIONS is supported by: