

After the 2020 NWPR became effective, the massive scope and geographic extent of the loss of CWA protections for the Nation's waters began to be documented, to some extent, in a database maintained on an EPA webpage showing approved CWA jurisdictional determinations by the EPA and the Corps.¹³⁸ A review of the database and associated maps shows massive numbers of waters that are not protected under the NWPR, *id.*, for example:¹³⁹

- As of June 29, 2021, maps from that database show that out of the 14,435 approved CWA jurisdictional determinations made under the 2020 NWPR across the country, 13,290 waters were found to be non-jurisdictional and only 1,145 were found to be jurisdictional. As of June 30, 2021, maps from that database show that out of the 31,520 approved CWA jurisdictional determinations made under the 2020 NWPR across the country, 23,819 waters were found to be non-jurisdictional and only 7,701 were found to be jurisdictional.
- In California, as of June 29, 2021, there were 2,129 total jurisdictional determinations made under the 2020 NWPR, with 2,107 negative jurisdictional determinations and only 22 positive jurisdictional determinations. Notably, 1,717 of those jurisdictional determinations were made between January 20, 2021 and June 16, 2021 and resulted in the exclusion of large numbers of wetlands, ephemeral streams, and other waters from CWA protections. As of June 30, 2021, there were 2,368 total determinations, with 2,292 negative jurisdictional determinations and 76 positive jurisdictional determinations.
- In Missouri, as of June 29, 2021, there were 191 total jurisdictional determinations under the 2020 NWPR, with 170 negative jurisdictional determinations and only 21 positive jurisdictional determinations. 106 of those jurisdictional determinations were made between January 20, 2021 and June 16, 2021 and resulted in the exclusion of large numbers of wetlands, ephemeral streams and other waters from CWA protections. As of June 30, 2021, there were 473 total determinations, with 374 negative jurisdictional determinations and 99 positive jurisdictional determinations.

Additionally, Alabama-based mining company Twin Pines has proposed a heavy mineral sand strip mine between the St. Mary's River and Okefenokee Swamp, one of the largest and most celebrated wetlands in the country, and home to both a National Wildlife Refuge and a National Wilderness Area.¹⁴⁰ The proposed mine would be 50-feet deep on average and would destroy hundreds of acres of wetlands and streams that are critical to the St. Marys River and Okefenokee's diverse ecosystems, threatening the hydrology of the swamp. Recently, the Corps determined that

¹³⁸ See EPA, Clean Water Act Approved Jurisdictional Determinations, <https://watersgeo.epa.gov/cwa>; see also, True and correct images of maps from the EPA database for all U.S. waters, New Mexico, California, and Missouri on June 29, 2021 and June 30, 2021, Estrin Dec., Ex. 4.

¹³⁹ Estrin Dec. ¶ 22.

¹⁴⁰ St. Marys Riverkeeper and Suwannee Riverkeeper work to protect waters that are impacted by this decision.