

- Streams that provide habitat and water supply for federally threatened Chinook salmon, coho salmon, chum salmon and steelhead trout, and ditched streams that receive animal waste and industrial and municipal pollution discharges in the Puget Sound Basin of Washington, which is protected on behalf of its members by Puget Soundkeeper.
- An estimated 9,165 miles of ephemeral streams in the Rogue River Basin in Oregon that provide drinking water for the region, as well as habitat and spawning grounds for federally threatened Southern Oregon/Northern California Coast coho salmon and steelhead; numerous canals and ditches that receive pollution discharges that are hydrologically connected to and influence the quality of the Rogue River; and the Agate Desert vernal pools that are the only vernal pools in Oregon and support unique species, such as the vernal pool fairy shrimp listed as threatened under the federal Endangered Species Act (“ESA”).⁴⁰ These waters are protected on behalf of its members by Rogue Riverkeeper.
- All of the waters, including premiere trout streams and critical habitat for federally threatened bull trout, located within the 5,185-square-mile “closed basin” area in the upper Snake River Basin of Idaho, that are connected to the Snake River by subsurface flows and springs, and 14,866 miles of ditches, ditched streams and canals that receive pollution discharges and flow into the Snake River. These waters are protected on behalf of its members by Snake River Waterkeeper.
- An estimated 30,297 miles (85 percent) of the streams in the Upper Missouri River Basin of Montana that feed into and impact water quality in the Big Hole River (world-class trout fishery), Beaverhead River (premiere brown trout fishery), Jefferson River (Westslope cutthroat habitat and drinking water supply), Madison River (Yellowstone cutthroat and Westslope cutthroat trout habitat), and the Gallatin River (Yellowstone Park and downstream recreation). These waters are protected on behalf of its members by Upper Missouri Waterkeeper.

After the 2020 NWPR became effective, the massive scope and geographic extent of the loss of Clean Water Act protections for the Nation’s waters began to be documented, to some extent, in a database maintained on an EPA webpage showing approved Clean Water Act jurisdictional determinations by the EPA and the Corps.⁴¹ A review of the database and associated maps shows massive numbers of waters that were not protected under the NWPR. For example, as of June 29, 2021, maps from that database show that out of the 14,435 approved Clean Water Act 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.⁴²

⁴⁰ Endangered Species Act, 16 U.S.C. §§ 1531-1544.

⁴¹ See *Clean Water Act Approved Jurisdictional Determinations*, EPA, <https://watersgeo.epa.gov/cwa/CWA-JDs/> (last visited April 21, 2025).

⁴² See *id.*; WATERKEEPER ALLIANCE, *supra* note 40, at Attach. 34.