



June 8, 2020

P.O. Box 1065
Charlottesville, VA 22902
(434) 971-1553
www.wildvirginia.org

Honorable Mark R. Herring
Attorney General of Virginia
202 North Ninth Street
Richmond, VA 23219

Transmitted Electronically

Board of Directors:

Re: Request that the Attorney General Take Legal Action to Oppose Federal Regulations Related to State Authorities under Clean Water Act Section 401

Bette Dzamba

Dear Attorney General Herring:

Sarah Fromme

Katie Keller

I write on behalf of Wild Virginia and our members across Virginia, urging you to take legal action against the Trump administration's recent regulatory changes to weaken state authorities under section 401 of the Clean Water Act. We and thousands of Virginians know how important section 401 powers are to protect our waters and our communities from damaging projects and we rely on you to defend our rights and interests in this regard.

Leigh Kirchner

David Sellers

Elise Togbe

Jamie Trost

We wrote you on September 4, 2019 asking that you submit comments to the U.S. Environmental Protection Agency (EPA) opposing the proposed changes, which have now been adopted. We know that many other citizens joined us in making the same request.

Ryan Wagener

Elizabeth Williams

We are grateful that you acted, joining twenty-one other states and the District of Columbia in comments dated October 21, 2019, to assert that EPA's proposal violates the law in numerous ways. The administration disregarded those comments and on June 1, 2020 announced a final rule that improperly constrains state authorities that are clearly provided under the Clean Water Act.

Thus, the Trump administration has now acted to abrogate the states' powers, which existed before the Clean Water Act was enacted and which Congress intended to preserve. Therefore, the only remaining avenue to protect those powers is to take court action to oppose that arrogant and illegal move.

As stated in our September, 2019 letter:

The Commonwealth of Virginia, since its founding, has a strong history of independence and we must not now defer to the wishes of a President who would trample our rights in favor of fossil fuel companies and others who

Honorable Mark R. Herring
June 8, 2020

would despoil our state for profit. We hope and trust you will stand with us in this resolve.

Thank you for your previous actions and we trust that you will continue to oppose this federal encroachment on state authorities.

Sincerely,

/s/ David Sligh

David Sligh
Conservation Director