

Bayou City Waterkeeper

**For Wetlands Protection,
Cleaner Water, &
a More Resilient Future**

A Brief History

Founded in 2001 as Galveston Baykeeper

Early member of Waterkeeper Alliance

Harvey represented a turning point for the organization

Jurisdiction = the Lower Galveston Bay watershed

From Lake Livingston down to the Brazos River, out to Galveston Bay

4000 square miles

21 subwatersheds (e.g., Buffalo Bayou watershed)

11 counties (Brazoria, Chambers, **Fort Bend**, **Galveston**, Hardin, **Harris**, Jefferson, Liberty, Montgomery, Polk, San Jacinto, Waller)

Mission

Preserve & restore wetlands

Swimmable, fishable water

Resilience to climate change

Science, **law**, policy

Legal program

Build on past legal efforts and successes

Strategically use law to advance mission

Anticipate potential litigation through comments process

Advocacy to local decisionmakers

Train and mentor law students

What have we been up to since July 2018?

EPA v. City of Houston (intervenor & related citizen suit plaintiff)

State of Texas v. EPA (amicus)

In re City of South Houston permit amendment

Investigations of development over wetlands

Comments to federal rulemaking, 404 permits, & state plans

Advocacy, especially Harris County & City of Houston

Wetlands

Why are wetlands important?

Flood buffers

Wildlife habitat & nurseries

Erosion control

Recreation

Water quality

(Benefits valued
in the **billions**)

How are wetlands under threat?

Urban sprawl, industrial development, agriculture

More than 54,000 acres of wetlands lost from 1996 to 2010

Underenforcement of federal protections

No real protections at local level

Wetlands protected under the Clean Water Act... sort of

WOTUS!

“Significant nexus” test under Rapanos

Obama rule - glimmer of hope

Trump rule - hopes dashed

Clean Water Act falls short in practice in Galveston District

Overly constrained view of jurisdiction

Neglects to require mitigation

Even when mitigation required, not carried out in 61% of permits surveyed

What can we do?

Push for 404 permits and mitigation

Make sure mitigation actually happens

Push for robust protections at local level

How can you help?

Intern with Bayou City Waterkeeper

Volunteer with Bayou City Waterkeeper

Call us if you see development that might be occurring without a permit

Research question

Does the Army Corps of Engineers violate the Administrative Procedure Act when it fails to require mitigation in 404 permits?

Contact info

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