

To: Chairman Koehler, Vice Chair Creech, Ranking Member Brent and Members of the House Agriculture and Conservation Committee

From: Matt Misicka, Executive Director
Ohio Conservation Federation

Date: 16 May, 2021



Re: Opponent Testimony against HB 175; removing ephemeral features from the “waters of the state”

Chairman Koehler, Vice Chair Creech, Ranking Member Brent, and members of the House Agriculture and Conservation Committee, on behalf of the Ohio Conservation Federation, and the thousands of Ohio’s hunters, anglers, and trappers that we represent, I am writing today to voice our opposition to HB 175. For much of the past 70 years, Ohio has been the poster child for water quality issues. Now, as we begin to swim out of this mess with the ambitious H2Ohio program, we must not take a giant step back. HB175 cannot be allowed to advance.

The connectivity of Ohio’s 36,000 miles of ephemeral streams and wetlands to our drinking water, public health and outdoor recreation economy are obvious. Both scientists and citizens recognize the critical ecological services provided by ephemeral streams and wetlands. To disregard the relationship between ephemeral waters and healthy ecosystems, communities and people is to disregard the scientific understanding of how natural waters flow and function. As the steward of Ohio’s waters, the State is entrusted with ensuring that our water supply is safe and healthy for all Ohioans. Passage of HB175 would needlessly expose our waters to unregulated pollution, dredging, filling, and other activities that could profoundly erode water quality.

Analysis of this bill by the Ohio Legislative Service Commission clearly states that, under HB175, “discharging sewage or other pollutants into an ephemeral stream is not a prohibited act”. The impact of HB175 is magnified when considering the far reaching, troubling implications this legislation has to other chapters of the Ohio Revised Code that include surface mining for coal, disposal of fracking wastes, and others. Removing ephemeral features from the definition of “waters of the state” would curtail the State of Ohio’s ability to manage water pollution and will inevitably pass increased costs downstream to drinking water treatment infrastructure, public utilities, water-dependent businesses, and ultimately Ohio’s citizens.

Ephemeral streams and wetlands are the birthplace of Ohio’s water-based outdoor recreation economy. According to Southwick and Associates, fishing alone contributes \$3B in economic output annually and supports more than 26,000 jobs. Even in a pandemic, Ohio’s anglers fished in record numbers. In 2020, 870,000 fishing licenses were sold, an 8% increase over 2019. (For the record, Ohio Wetlands Habitat Stamps required for duck hunting in Ohio increased by 7% over 2019). When poor water quality impacts fishing, boating, tourism or water treatment, damages can quickly rise into the tens of millions of dollars of lost economic output in a very short amount of time. Degraded or polluted waters can diminish nearby home values from five to ten percent.

At a time when, with the help of robust funding from the Legislature, the H2Ohio program is helping us round the bend against water pollution in the state, it would be a shame to find ourselves adrift again by dropping the protections afforded ephemeral streams and wetlands in Ohio. The Ohio Conservation Federation strongly opposes HB 175 and urges you to vote against this harmful legislation.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours, *Matthew A. Misicka*
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