

Hicks-Ray Associates



April 21, 2011

TO: WESTCAS Membership

FROM: Fred B. Hicks and Tom Ray

SUBJECT: 170 Members of Congress Sign Clean Water Act Guidance Letter

Some 170 Members of the House of Representatives have added their signatures to an April 14th letter to USEPA Administrator Lisa Jackson and Assistant Secretary of the Army for Civil Works Jo Ellen Darcy. The letter warns both agencies against their current plan to expand the authority of the Executive Branch of government to designate what constitutes a “water of the US.”

A key passage of the letter reads:

“The Agencies cannot, through guidance, change the scope and meaning of the Clean Water Act or the statute’s implementing regulations. If the Administration seeks statutory changes to the Clean Water Act, a proposal must be submitted to Congress for legislative action. If the Administration seeks to make regulatory changes, a notice and comment rulemaking is required. We are very concerned by the action contemplated by the Agencies, and we strongly urge you to reconsider the proposed “Guidance.”

You will recall that EPA and the Corps secretly submitted this guidance for White House review back in December. The document was leaked to “Inside EPA” which released it to the public. If any WESTCAS members have not yet seen Jolene MaCalab’s excellent summary and review of this draft, just let us know and we will be happy to send it to you. Jolene prepared this summary from her perspective as a western water attorney and also a WESTCAS Board member.

The Clean Water guidance issue will be one of three that will be the focus of the WESTCAS legislative workshop to be presented on the Thursday afternoon, June 23th, during the annual conference. Conference participants will have the opportunity both to share their own perspectives with others regarding how this “Guidance” might affect them. At the end of this workshop, if you are not already in touch with your Congressional delegation, you will have the knowledge and the particulars to do so.

Just another great reason to be a part of the annual conference.

Fred Hicks - 703.866.4290
P.O. Box 2115
Springfield, VA 22152-0115
fred@hicks-ray.com

Tom Ray - 254.855.0880
P.O. Box 955
Waco, TX 76703-0955
tom@hicks-ray.com