

Western Lawmakers Draw Line in Sand Over Clean Water Restoration Act

Posted by **Melissa Subbotin** on December 08, 2009 Contact: 202.225.0453

Washington - In a **letter** sent today to Senate Majority Leader Harry Reid (D-NV) and House Speaker Nancy Pelosi (D-CA), Members of the House and Senate **Western Caucuses** cited concerns over job loss and regulatory overreach in expressing their strong objections to the Clean Water Restoration Act (CWRA) (S.787).

The letter, signed by 11 Western Senators and 17 Western House Members, stated, "In the West... where the frontier spirit of smaller government and individual liberty are still sacred traditions, there is overwhelming objection to this bill. We strongly object to any attempt to move this legislation, either as a stand alone bill or as an attachment to a bill, in the Senate or House of Representatives. More specifically, we cannot imagine any bill so important that we could support it with the Clean Water Restoration Act attached."

The CWRA seeks to expand the jurisdictional sweep of the Clean Water Act, introduced in 1972, by granting the federal government authority over all U.S. waterways. Most notably, S. 787 removes the requirement that regulated waterways be "navigable," as originally stated in the Clean Water Act. The deletion of the word "navigable" will allow all inland waters to be subject to federal regulation.

The letter further stated, "This legislation would grant the Environmental Protection Agency and the Army Corps of Engineers, virtually unlimited regulatory control over all wet areas within a state. This bill attempts to trump state's rights and pre-empts state and local governments from making local land and water use decisions. This bill will also build an even more expensive, cumbersome bureaucracy which will increase delays in securing permits and will slow or stop vital economic activities all across the country. Commercial and residential real estate development, agriculture, electric transmission, transportation and mining will all be effected. Thousands of jobs will be lost."

The proposed legislation would make it more costly to:

- grow crops
- manage livestock
- provide water to local municipalities
- operate and maintain water storage and delivery facilities
- carry out other activities on both public and private lands

Congressman Rob Bishop (R-UT):

"As fellow Westerners, surely Senator Reid and Congresswoman Pelosi recognize the impact this legislation will have on communities and industries throughout the West. The unprecedented expansion of the federal government's power and control over our nation's waterways will make way for complete federal regulation of every water resource in the U.S.- from puddles to playas. If the federally created drought in California is any indication of what federal control of water will be like, we must do everything possible to prevent this legislation from moving forward."

Congresswoman Cynthia Lummis (R-WY):

"Water is extremely precious to our way of life in Wyoming due to our arid climate," Lummis said. "Wyoming's state government has done a terrific job managing our limited water resources. Yet somehow, Washington thinks they can do a better job than local water managers. This bill simply represents another massive power grab in the West by a Congress that wouldn't know a puddle from a spring, and I will continue to work with my western colleagues to stop this legislation dead in its tracks."

Congressman Don Young (R-AK):

"According to the U.S. Fish and Wildlife Service, over 40 percent of Alaska is classified as wetlands and Alaska contains 63 percent of the total wetland acreage in the United States (excluding Hawaii). The Clean Water Restoration Act would affect Alaska more than any other state. Federal infringement on state jurisdiction is wrong and this language encourages such actions. Seasonal and/or isolated waters, and essentially any wet area, would be within federal reach even if there is no hydrological connection to a navigable water body. Allowing the federal government to seize control of all intrastate waters would

have a harmful impact on construction, resource development, and the economy of all of our states including Alaska and I will be a very vocal opponent to this language.”

Congressman Wally Herger (R-CA):

“I am deeply concerned by this Congress’ ever-increasing push towards bigger government and increased regulation, the latest being this effort to enact one of the most significant intrusions on private property rights in history. This legislation would give the EPA and the Corps of Engineers total jurisdiction over any standing water or hydrologic connection in the country. It could make the EPA and the Corps America’s central land-use authorities. Not only does it fly in the face of the Constitutional protections of private property and other freedoms America was built on, it would slow our economy during these very difficult times by killing jobs and delaying critical infrastructure projects. I urge Congressional Democrats to consider the serious negative effects of pursuing this bill and instead look for positive solutions to our nation’s water issues.”

Congressman Lee Terry (R-NE):

“This bill would pre-empt the water management decisions of our local natural resource districts in Nebraska and interfere with their efforts to construct or repair pipelines, ditches, canals, diversion structures and wells by imposing new, federal permitting requirements.”

Congressman Jason Chaffetz (R-UT):

“The Clean Water Restoration Act grants the EPA unfettered power to regulate virtually any area where water is located. In the West, commerce, local economies, and communities depend heavily on vast systems of canals, ditches, and other water delivery systems for basic needs,” said Chaffetz. “The added layer of bureaucracy, regulation, and intrusion this bill creates will have far reaching effects on our country and I will work to defeat it.”

The following Representatives and Senators participated in the **letter**:

Senators:

John Barrasso (WY), Bob Bennett (UT), Mike Crapo (ID), John Ensign (NV), Mike Enzi (WY), Orrin Hatch (UT), Mike Johanns (NE), Jon Kyl (AZ), Lisa Murkowski (AK), James Risch (ID), Pat Roberts (KS), John Thune (SD)

House Members:

Rob Bishop(UT-01), Jason Chaffetz (UT-03), Mike Coffman (CO-06), Michael Conaway (TX-11), Jeff Flake (AZ-06), Dean Heller (NV-02), Wally Herger (CA-02), Doug Lamborn (CO-05), Cynthia Lummis (WY-At large), Tom McClintock (CA-04), Denny Rehberg (MT-At large), John Shadegg (AZ-03), Mike Simpson (ID-02), Lee Terry (NE-02), Mac Thornberry (TX-13), Greg Walden (OR-02), Don Young (AK-At large)