

**Congress of the United States**  
**Washington, DC 20515**

December 8, 2009

The Honorable Harry Reid  
Majority Leader  
United States Senate  
S-221, the Capitol  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
H-232, the Capitol  
Washington, DC 20515

Dear Majority Leader Reid and Speaker Pelosi:

As members of the Senate and House Western Caucuses, we are contacting you regarding our concerns about S. 787 and its yet-to-be introduced House counterpart, the Clean Water Restoration Act. 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.

In the West, few things have been more important in our states' history than water. In the areas we represent, where the frontier spirit of smaller government and individual liberty are still sacred traditions, there is overwhelming objection to this bill. Westerners oppose any legislative efforts which would expand the federal Clean Water Act jurisdiction over all water within the United States.

The concern we hear back home is that 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.

Our region of the country is growing, but the West never has all the water it needs. The Clean Water Restoration Act will needlessly delay construction or repair of pipelines, ditches, canals, diversion structures and wells with more permitting requirements. Delays in providing for water delivery not only hurts our citizens, it also hurts species who need that water as part of habitat conservation plans and recovery programs across the West.

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This legislation will hurt states and communities across America. The consequences and impacts of the Clean Water Restoration Act deserve a thorough and open debate in Congress.

Sincerely,

Joe Busasso

Bob Duff

Mike Croy

Tom Kelly

John De

Robert J. Bennett

Michael B. Enzi

Lee Neubauer

John Ensign

Pat Roberts

Mike Johanns

Jan E. Pritz

Mike Coffin

K. M. Young

Christopher M. Spence ~~Handwritten signature~~ WT-3

Jimmy Bellamy Ag. Weller

Mike Simpson

~~Handwritten signature~~

Mac Thibault

Don Young

Dr. N. C. Lee

Doug Lamborn

John Shadegg

Al Fields

Wally Herger Don Heller