

Hicks-Ray Associates

Implementing Strategies, Achieving Success



MEMORANDUM

TO: WESTCAS Membership
FROM: Hicks-Ray Associates
SUBJECT: WOTUS provision included in Draft FY18 Energy & Water Appropriations Subcommittee

On June 27th the House Energy and Water Appropriations Subcommittee released the following draft of its FY18 bill that was considered by the Subcommittee on June 28. The draft bill includes the following provision:

Section 108 (a)

AUTHORIZATION---The Administrator of the Environmental Protection Agency and the Secretary of the Army may withdraw the Waters of the United States rule without regard to any provision of statute or regulation that establishes a requirement for such withdrawal.

(b) **EFFECT OF WITHDRAWAL**—Except as otherwise provided by any Act or rule that takes effect after the date of enactment of this Act, if the Administrator of the Environmental Protection Agency and the Secretary of the Army withdraw the Waters of the United States rule under subsection (a) the Administrator and Secretary shall implement the provisions of law under which such rule was issued in accordance with the regulations and guidance in effect under such provisions immediately before the effective date of such rule.

(c) **DEFINITIONS**—In this section the term “Waters of the United States rule” means the final rule issued by the Administrator of the Environmental Protection Agency and the Secretary of the Army entitled “Clean Water Rule: Definition of ‘Waters of the United States’ on June 29, 2015 (80 Fed. Reg. 37053).

HRA will monitor the outcome of this provision and the status of the E&W appropriations bill and keep WESTCAS membership informed.

HRA will also revise the draft WESTCAS letter supporting plus-ups to the Corps of Engineers and Bureau of Reclamation budgets (for water related purposes) discussed at the San Diego conference to include support for this provision. The updated draft will be presented to the WESTCAS Board of Directors for review and final editing.