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Clean Water Restoration Act ‘unnecessary and unjustifiable’

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The Senate Environment and Public Works (EPW) Committee will vote on the Clean Water Restoration Act (CWRA) on Thursday. The bill, introduced by Sen. Russ Feingold (D-WI), comes in response to a number of Supreme Court rulings that have complicated the definition of the “navigable waters of the United States” over which the Environmental Protection Agency and the U.S. Army Corps of Engineers have authority.

The bill would clarify the law but also expand Clean Water Act jurisdiction by eliminating the word “navigable” from that phrase, an effort endorsed by the conservation community but strongly opposed by agricultural groups.

Bob Stallman, president of the American Farm Bureau Federation, called Feingold’s bill “regulatory overkill” which largely disregards the positive conservation role farmers and ranchers are playing.

“By replacing ‘navigable waters’ with ‘all intrastate waters,’ the federal government would have control of structures such as drainage ditches, which are only wet during rain events,” Stallman said. “Rather than restore the Clean Water Act, it just brings a new truckload of restrictions for the people who do most to protect our water.”

In a letter to members of the EPW Committee, the National Cattlemen’s Beef Association and Public Lands Council argued the CWRA would significantly expand federal jurisdiction over private farms and ranches.

“This bill is unnecessary and unjustifiable, and sets a dangerous precedent towards the continuing erosion of our fundamental constitutional rights as American citizens,” stated NCBA and PLA. “No compromise or exemption will cover all of the farms and ranches in the U.S. To fully protect agriculture, the term “navigable” must remain in the Clean Water Act.”

More than 20 million acres of wetlands and thousands of miles of streams have lost their protection from drainage and destruction under the Clean Water Act, according to a coalition of wildlife, environmental and conservation groups that includes Ducks Unlimited, Trout Unlimited, National Wildlife Federation and the Theodore Roosevelt Conservation Partnership.

The CWRA would “restore these safeguards and ensure clean drinking water for all Americans, as well protect millions of acres of wetlands and thousands of miles of streams used by America’s wildlife,” the coalition said.

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