

CONTACTS:

Jim Philipps (NACo)
202/942-4220
jphilipps@naco.org

Tracy Taylor Grondine
202/406-3642
tracyg@fb.org

Counties and farmers fighting federal overreach of CWA

NACo and AFBF support Clean Water Act, but not proposed expansion

WASHINGTON, D.C. – The nation’s county governments and farmers are partnering to oppose legislation to significantly expand the federal jurisdiction of The Clean Water Act (CWA).

The National Association of Counties’ (NACo) and the American Farm Bureau Federation (AFBF) are concerned that the Clean Water Restoration Act (CWRA) would needlessly expand the federal reach of CWA and result in significant negative impacts on farmers, ranchers, local governments and local economies without improving protections of the nation’s critical water resources.

Both organizations stressed that they support current CWA provisions and enforcement of state and local environmental protection laws.

The groups have expressed their concern to Congress that eliminating the word “navigable” from the definition of “Waters of the United States” would result in an unprecedented expansion of federal authority.

NACo President Don Stapley, supervisor, Maricopa County, Ariz., said that NACo supports CWA provisions that protect wetland habitats and rivers and streams of the U.S., but does not support federal efforts to change the definition of the Clean Water Act from navigable waters to “waters of the United States.” In addition, NACo opposes federal efforts to further expand the authority and responsibilities of the federal agencies in regard to these waters.

“The legislation would drastically expand federal clean water jurisdiction and create significant bureaucratic obstacles and lead to increased costs to counties without necessarily enhancing environmental protections of waterways and wetlands,” Stapley said.

AFBF President Bob Stallman called the 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.”

Stapley said counties have similar concerns. The bill would require that counties obtain a federal permit before any project of any size could move forward if it affects any wet area.

“If the term ‘navigable’ is removed, it is possible that ditches, pipes, streets, gutters, manmade ponds, drainage features, desert washes and other features could be regulated,” Stapley said. “Additionally, activities such as mosquito and fire abatement prohibitions to regulating rain gutters beside homes could also be regulated. This would be extremely problematic and costly to counties.”

Stallman said that farmers and ranchers use modern conservation practices to protect the nation’s water supplies. Many times these efforts are put in place voluntarily because farmers are driven by a strong stewardship ethic.

“Taking these changes one step further, it would likely give federal regulators the ability to control everyday farming activities in adjacent fields,” Stallman said. “That is the kind of expensive, regulatory overkill that hard-working farm families in our nation cannot afford to bear.”

NACo and AFBF pledge to work with the bill’s sponsors to ensure that any proposed changes to the CWA are both effective and workable for farmers and local governments.

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About AFBF

Farm Bureau is an independent, non-governmental, voluntary organization governed by and representing farm and ranch families united for the purpose of analyzing their problems and formulating action to achieve educational improvement, economic opportunity and social advancement and, thereby, to promote the national well-being. Farm Bureau is local, county, state, national and international in its scope and influence and is non-partisan, non-sectarian and non-secret in character. Farm Bureau is the voice of agricultural producers at all levels.

About NACo

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation’s 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org