



June 18, 2014

The Honorable Barbara Mikulski
Chair
Appropriations Committee
United States Senate
Washington, D.C. 20510

The Honorable Richard Shelby
Ranking Member
Appropriations Committee
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
Chair
Appropriations Subcommittee on
Energy and Water Development
United States Senate
Washington, D.C. 20510

The Honorable Lamar Alexander
Ranking Member
Appropriations Subcommittee on
Energy and Water Development
United States Senate
Washington, D.C. 20510

Dear Senators:

The Waters Advocacy Coalition (WAC) urges you to vote “yes” on the Hoeven-Johanns “Waters of the United States” (WOTUS) amendment to the Senate Energy and Water Appropriations bill for Fiscal Year 2015.

The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) have proposed a rule to change the definition of “Waters of the United States” under the Clean Water Act (CWA). The rule is comprised of a complicated set of regulatory definitions, including new and poorly defined terms, based on ambiguous and untested legal theories and regulatory exclusions. The result is a proposal that asserts jurisdiction over waters, including many ditches, conveyances, isolated waters, and other waters, that are presently under the jurisdiction of the states and that is inconsistent with Congressional intent and recent Supreme Court decisions. The agencies have said the proposed rule will only increase the amount of jurisdictional waters by 2.7 percent; however, their analysis is severely flawed and grossly underestimates the proposal’s potential impact. For example, the state of Kansas has already reached a preliminary conclusion that the proposed rule would increase the linear miles of regulated waters from 30,620 to 134,338 – an increase of over 200 percent.

WAC is a multi-industry coalition representing the nation’s construction, real estate, mining, agriculture, forestry, manufacturing, and energy sectors, and wildlife conservation interests. We anticipate that the proposed rule will increase federal control over water and land, subjecting activities that might impact these areas to more complicated and layered reviews and potential citizen suits. Such an outcome would have a direct and adverse impact on activities ranging from farming and ranching to energy production and critical infrastructure development, and the construction of affordable housing. It will also adversely affect green technologies and serve as a disincentive to improved conservation and management of wildlife on private lands.

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WAC has previously supported the need for a rule-making but this proposal is unacceptable. Accordingly, we urge your support for the Hoeven-Johanns amendment.

Sincerely,

Agricultural Retailers Association
American Exploration & Mining Association
American Farm Bureau Federation
American Forest & Paper Association
American Gas Association
American Iron and Steel Institute
American Petroleum Institute
American Public Gas Association
American Public Power Association
American Road & Transportation Builders Association
Associated Builders and Contractors
The Associated General Contractors of America
CropLife America
Edison Electric Institute
Federal Forest Resources Coalition
The Fertilizer Institute
Florida Sugar Cane League
Foundation for Environmental and Economic Progress (FEEP)
The Independent Petroleum Association of America (IPAA)
Industrial Minerals Association – North America
International Council of Shopping Centers (ICSC)
Interstate Natural Gas Association of America (INGAA)
Irrigation Association
National Association of Home Builders
National Association of REALTORS®
National Cattlemen's Beef Association
National Cotton Council
National Council of Farmer Cooperatives
National Industrial Sand Association
National Mining Association
National Multifamily Housing Council
National Rural Electric Cooperative Association
National Stone, Sand and Gravel Association (NSSGA)
Portland Cement Association
Public Lands Council
Responsible Industry for a Sound Environment (RISE)
Southern Crop Production Association
Texas Wildlife Association
Treated Wood Council
United Egg Producers
U.S. Chamber of Commerce