



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