

Ravalli County Commissioners Office

From: MACO <MACO@mtcounties.org>
Sent: Monday, August 4, 2014 9:32 AM
To: MACO
Subject: 13 Senate Democrats Question "Waters of the U.S." proposed rule
Attachments: Senate WOTUS letter.pdf; ATT00001.htm

Update on the Waters of the U.S. Proposed Rule
(Deadline for Counties to Submit Comments is October 20, 2014)
[Click here](#) for more information on the proposed rule and how to submit comments

Good morning WIR Board and Public Lands Steering Committee,

In case you missed it, late last week, thirteen Senate Democrats led by Agriculture Chairwoman Debbie Stabenow of Michigan sent a letter to leaders of the EPA, the U.S. Army Corps of Engineers and USDA to raise concerns about the Obama administration's proposal to define the jurisdiction of the Clean Water Act and a separate interpretive rule spelling out agricultural practices that are exempt from permitting requirements. A copy of the letter is attached.

The letter states, *"Given the many uncertainties that remain regarding the effects this rule may have on agriculture, some of which are identified in this letter, we request that you reach out to stakeholders, both small and large, to better understand their concerns as you continue to consider this rule."*

They also discussed concerns many about intermittent streams and low-lying areas on fields. *"Some concerned stakeholders believe that flow and runoff from fields may be categorized as tributaries, and thus regulated under the proposed rule. To this point, the proposed rule states that ephemeral features located on agricultural lands that do not possess a bed and bank are not tributaries. We believe defining the term bed and bank will significantly help resolve confusion as to which agricultural features can be classified as tributaries. Does the agency have plans to define these terms?"*

The senators also questioned why the administration is listing the 56 exempt practices when they already should have been considered exempt: *"By carving out a specific exemption for a certain number of conservation practices, an assumption has been created that but for this list, these certain conservation practices would have required a CWA permit. Is this true?"*

The following Senators signed the letter:

Sen. Debbie Stabenow (MI), Chairwoman, Senate Agriculture Committee
Sen. Patrick Leahy (VT)
Sen. Tom Harkin (IA)
Sen. Kay Hagan (NC)
Sen. Al Franken (MN)
Sen. Amy Klobuchar (MN)
Sen. Tim Johnson (SD)
Sen. Jeanne Shaheen (NH)
Sen. Sherrod Brown (OH)
Sen. Tammy Baldwin (WI)

Sen. Bob Casey (PA)
Sen. Mark Warner (VA)
Sen. Michael Bennet (CO)

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