

RESOLUTION NO. 3213

Resolution Opposing Expansion of Federal Control under Clean Water Act

WHEREAS, The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) are seeking to expand control over additional “Waters of the United States”; and

WHEREAS, the proposed rule would modify existing regulations regarding which waters fall under federal jurisdiction through the Federal Water Pollution Control Act (Clean Water Act) which has been in place since 1972; and

WHEREAS, the proposed rule will expand the regulatory scope of the Clean Water Act, resulting in greater impacts on local government, their citizens, businesses and economy; and

WHEREAS, Ravalli County is responsible to provide for the health, welfare, and safety of our citizens, as well as maintaining and improving their quality of life; and

WHEREAS, our economy is driven by agriculture and natural resource utilization, both of which are dependent on Montana’s jurisdictional waters. If implemented as written, the proposed rules will have serious negative consequences for agricultural producers, businesses and local government and in turn, Montana’s economy and people; and

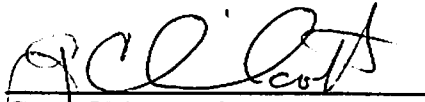
WHEREAS, the proposed rule, if adopted, will cause significant economic harm to local agriculture by limiting productivity of privately owned land used for food production, stall the development of business and negatively impact the County’s ability to maintain their infrastructure such as bridges, roads and ditches; and

WHEREAS, the Montana Constitution of 1880 establishes ownership of Montana’s waters, as written in Article XI, Section 2, Water rights, (3) – *All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.* This was reaffirmed in the 1972 Constitution in Article IX, Section 3, (3); and

WHEREAS, in the absence of an ownership right in Montana’s water, the EPA is looking to the Commerce Clause of the U.S. Constitution as pretext to regulate additional state and private property lacking a nexus to waters used in interstate commerce.

NOW THEREFORE BE IT RESOLVED, that the Ravalli County Board of Commissioners hereby **OPPOSE** expanded regulations that have been proposed by the EPA to amend the current definition as well as the implementation of additional enforcement with respect to the Clean Water Act and the Waters of the United States.

PASSED AND APPROVED THIS 30th DAY OF OCTOBER, 2014.
BOARD OF RAVALLI COUNTY COMMISSIONERS



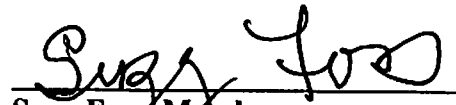
Greg Chilcott, Chairman



Ron Stoltz, Member



J.R. Iman, Member



Suzy Foss, Member



Jeff Burrows, Member



Attest: Clerk & Recorder

