

**New Senate Hearing E-mail and Fax Deadline Tuesday, April 8th – Hearing Date April 9th
Congressional Testimony Questionnaire -- Testimony For The Record –
The Clean Water Act and S 1870 -- Clean Water Restoration Act**

Honorable _____
US Senate

Regarding the Clean Water Act and S 1870, The Clean Water Restoration Act which is really a massive Corps of Engineers Federal land and water power grab. It will use Corps of Engineers regulation of “wetlands” to take control over every farm, ranch, and piece of private property with any water on it or even if you only engage in activities that might affect water.

It expands the authority of the Federal government under the Clean Water Act (CWA) of 1972 to include all waters of the U.S. and activities affecting these waters.

In the words of Reed Hopper of Pacific Legal Foundation, lead attorney in a landmark U.S. Supreme Court victory, **“...this bill pushes the limits of federal power to an extreme not matched by any other law, probably in the history of this country.”**

This hearing is laying the groundwork for movement in the Senate of the Feingold bill (S 1870) and therefore it is important to have Committee Members understand that the regulatory picture has never been clear, particularly prior to the SWANCC Supreme Court legal decision which is what proponents of the bill claim is the reason for enactment of the bill.

Below are my concerns and testimony regarding the Clean Water Act and S 1870, the inappropriately named Clean Water Restoration Act. It has little to do with clean water and is mostly about land use control.

This my testimony regarding the Clean Water Act and S 1870, The Clean Water Restoration Act. Please include it in the official record of the upcoming hearing on the Clean Water Act and any hearing on HR 1870. Please consider a photocopy as valid as the original.

Signature _____ Print Your Name _____

Dear Private Property and Multiple-Use Advocate:

You must send your testimony in immediately. It is imperative that you act now. The Clean Water Restoration Act (S 1870) may be the biggest threat to property rights and local control yet.

The bill would overturn two U.S. Supreme Court decisions that favored landowners and local government. It would give federal agencies almost unlimited control over land, water and people. Reed Hopper, lead attorney in the latest Supreme Court victory for landowners said *“.....this bill pushes the limit of federal power to an extreme not matched by any other law, probably in the history of this country.* Jim Burling, senior attorney for the Pacific Legal Foundation, said *“If our constitutional system of limited federal powers means anything, we have to win on this issue.”*

It is important that you fill out the following testimony questionnaire and e-mail or mail it back to American Land Rights. We will hand deliver it to your Congressman and all the Congressmen on the Transportation and Infrastructure Committee listed below. It must be submitted as quickly as possible.

Please act on this as soon as you get this message. Do not put it off until tomorrow. That may be too late. Supporters of this bill are trying to ram this bill through before people like you know how dangerous it is.

Below is a Testimony Questionnaire for you to fill out and send back to your Congressman and the Members of the Transportation and Infrastructure Committee in the US House of Representatives.

-----Alert -- Be aware of the legal concept called “laches” or “sleeping on your rights.” You may lose legal rights later if you fail to comment or testify on S 1870. So at least send a letter opposing S 1870. It can be as short as one page or longer.

In the next section you will see a series of statements about S 1870 which **American Land Rights agrees with, but you don’t have to.** Please mark them with your opinion. You may write in additional comments.

This Testimony Questionnaire is about obtaining your testimony. Your Senator and the Members of the Committee want to know what you think. It is critical that you write your responses to the statements with your opinion and not what you think we would want you to write. You are free to disagree with us.

You have a chance to change the course of history with the whole “wetlands” or Clean Water Act issue by filling out this Testimony Questionnaire, writing your Senator’s name in the appropriate place, and mailing it back to American Land Rights. You may send it by e-mail or fax directly to your Congressman.

----- Your personal comments make this document more valuable. So be sure to fill in the blank space below where the Agree-Disagree statements are listed.

(Page one of three)

--1. The jurisdiction of federal agencies under the Clean Water Act of 1972 should remain limited to navigable waters and not expanded to include all waters of the U.S., such as wetlands, sloughs, meadows, intermittent streams, prairie potholes, ponds, playa lakes, mudflats and sandflats.

Agree.....Disagree.....No Opinion

--2. The definition of wetlands under federal jurisdiction should be limited to those areas that are permanently wet or free flowing.

Agree.....Disagree.....No Opinion

--3. The Clean Water Act of 1972 should not be used as a tool for national land use controls.

Agree.....Disagree.....No Opinion

--The Clean Water Act of 1972 should not be expanded to include activities affecting waters.

Agree.....Disagree.....No Opinion

--4. The U. S. Supreme Court decisions of 2001 and 2006 that ruled in favor of local government and landowners should not be overturned by the proposed Clean Water Restoration Act (S 1870).

Agree.....Disagree.....No Opinion

--5. Mostly dry land and isolated wetlands should be excluded from federal jurisdiction under the Clean Water Act.

Agree.....Disagree.....No Opinion

--6. The definition of pollutants under the Clean Water Act of 1972 should not include clean fill or natural material of any kind.

Agree.....Disagree.....No Opinion

--The term 'discharge' should not apply to the disturbance of soils or natural materials.

Agree.....Disagree.....No Opinion

--7. Citizens cited for violation of regulations under the Clean Water Act should not face criminal penalties.

Agree.....Disagree.....No Opinion

--8. National Water Quality goals should be achieved without violating constitutionally protected property rights.

Agree.....Disagree.....No Opinion

--9. National Water Quality goals are best achieved by local and state governments, not federal agencies.

Agree.....Disagree.....No Opinion

--10. National Water Quality goals should consider priorities and costs. and regional differences in landscapes and other ecological characteristics.

Agree.....Disagree.....No Opinion

--11. 'Regulatory Takings' that devalue private property should be compensated under provisions of the 5th Amendment.

Agree.....Disagree.....No Opinion

--12. Access to and use and enjoyment of public lands and waters should be guaranteed under provisions of the Clean Water Act of 1972.

Agree.....Disagree.....No Opinion

--13. National Water Quality goals should consider regional differences in landscapes and other ecological characteristics.

Agree.....Disagree.....No Opinion

--14. The Clean Water Restoration Act and other environmental legislation is not about environmental protection and clean water, but about control over land, water, and people.

Agree.....Disagree.....No Opinion

--15. Please vote no on S 1870, the Clean Water Restoration Act.

Agree.....Disagree.....No Opinion

--16. Please do not give the Corps of Engineers regulatory control over my property.

Agree.....Disagree.....No Opinion

(Your written comments here are essential if you want Members of Congress to really pay attention to this document. You may borrow or expand on the statements above and write them in below.)

(If needed, use additional sheets or attach a personal letter)

To validate your comments please fill in completely (PRINT or TYPE) and be sure to sign.

Signature _____

Name _____

E-Mail _____ Fax _____ Phone _____

Address _____ Town _____ State _____

Zip _____

Please do not fail to send this testimony questionnaire even if you receive it late. It will often be accepted late. E-mail and Fax deadline Tuesday, April 8th. Actual hearing date April 9th.