

Wetlands Testimony-Clean Water Restoration Act (CWRA)- Deadline Thurs. Oct. 15th.

Honorable _____ Write in Your Congressman plus name of Comm. Chair James Oberstar

Regarding: The Clean Water Act and the Clean Water Restoration Act (CWRA). The CWRA is a massive Federal land and water power grab (this bill has no House number yet). The CWRA will use Corps of Engineers regulation of what they define as “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 all activities affecting those waters. It seeks to overturn the Rapanos (2006) and SWANCC (2001) Supreme Court Decisions that limited Corps and EPA jurisdiction to “**navigable 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.**”

Below are my concerns and testimony regarding the Clean Water Act and the (CWRA), 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 the CWRA, The Clean Water Restoration Act. Please include it in the official record of any hearings on the Clean Water Act, and any hearings on the Clean Water Restoration Act. 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 (CWRA) 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 mail it back to American Land Rights. We will deliver it to your Congressman. It must be submitted as quickly as possible.

In the next section you will see a series of statements about the CWRA that **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 Congressman wants 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. Your personal comments make this document more valuable. **So be sure to fill in the blank space below where it says Agree-Disagree.**

--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 watersheds, 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

--4. The Clean Water Act of 1972 should not be expanded to include “activities affecting waters.”

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

--5. 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 (CWRA).

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

--6. Mostly dry land and isolated wetlands should be excluded from federal jurisdiction under the Clean Water Act.

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

--7. 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

--8. The term 'discharge' should not apply to the disturbance of soils or natural materials.

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

--9. Citizens cited for violation of regulations under the Clean Water Act should not face criminal penalties.

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

--10. National Water Quality goals should be achieved without violating constitutional property rights.

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

--11. National Water Quality goals are best achieved by local and state governments, not federal agencies.

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

--12. National Water Quality goals should consider priorities and costs as well as regional differences in landscapes and other ecological characteristics.

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

--13. 'Regulatory Takings' that devalue private property should be compensated under the 5th Amendment.

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

--14. 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

--15. 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

--16. Please vote no on the CWRA, the Clean Water Restoration Act.

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

--17. Please do not give the Corps of Engineers regulatory control over my property.

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

--18. I do not believe there is confusion over regulation in the EPA or Corps of Engineers over the two Supreme Court Clean Water Act decisions. Congress should not overturn those two decisions.

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 _____

Deadline: Fax or E-mail By Thursday, October 15th. Send even if late.