

Oregon's Natural Resource Community Opposes Oberstar Clean Water Re-Write

An Op-Ed Piece for The Capital Press

Submitted by Oregon Farm Bureau Federation, Oregon Cattlemen's Association, Oregon Wheat Growers League, Oregon Dairy Farmers Federation, Oregon Association of Loggers, Oregon Seed League, Oregon Seed Trade Association, Oregonians for Food & Shelter, Water For Life, Northwest Food Processors Association and Oregon Water Resources Congress.

For some, nothing could sound more arcane and distant than a rewrite of national clean water legislation. The reality is that few federal proposals would have more direct or far-reaching impact on our well-being than The Clean Water Restoration Act of 2007 now before Congress (H.R. 2421 and S.1870, respectively). These bills would expand jurisdiction of the federal Clean Water Act (CWA), and would undermine more than a century of the Western water law system that now protects this most precious natural resource. Protections and procedures that have been developed locally by local people to meet local needs and conditions would be erased with the deletion of a single word from current federal law.

Congress recognized the value of local needs in 1972 when it specifically applied federal CWA jurisdiction to "navigable" waters. Time after time, Congress has re-affirmed this intent as it has re-authorized the CWA over the intervening decades.

Removing the clarifying word "navigable" casts the West into a drowning pool of uncertainty, and further empowers the federal government to pre-empt local water management, regulation, and some uses of private property. H.R. 2421 and S 1870 would grant the Environmental Protection Agency (EPA) and Army Corps of Engineers jurisdiction over all "intrastate waters" – essentially all wet areas within a state, including groundwater, ditches, pipes, streets, municipal storm drains, gutters, desert features, farmland and prior converted wetlands.. It would provide EPA and the Corps authority over all "activities affecting these waters" (private or public), regardless of whether the activity is occurring in water or whether the activity actually adds a pollutant to the water. A so-called "savings clause" does not exempt any waters or areas from broad jurisdiction, fails to include important regulatory exemptions for prior converted cropland and waste treatment systems and limits the agencies' abilities to adopt future regulatory exemptions.

Senator Wyden and Representatives Blumenauer, DeFazio, Hooley and Wu have co-sponsored this legislation. We commend Rep. DeFazio for withdrawing his support. Sen. Smith and Rep. Walden see this bill for what it is and have opposed it from day one.

Unfortunately, Governor Kulongoski supports this draconian legislation. Apparently disregarding the negative consequences and enormous costs to the communities, farms, forests, and municipalities this will impose, the governor has chosen the desires of DC bureaucrats over the needs and well-being of Oregonians.

What is missing is recognition of the success rural and urban Oregonians have had with the existing Clean Water Act. Maybe the governor is unaware of the impact this legislation will have on agricultural and forest communities and their abilities to continue to contribute toward the protection and enhancement of the waters of the state under state law and related cooperative programs.

We hope Governor Kulongoski and our congressional delegation will reach out to the natural resource community (which remains the engine that drives our social and economic success as Oregonians) and work with us to stop this extreme legislation. Water is far too precious to be traded away in political gamesmanship. We ask our governor and congressional delegation to oppose this bad legislation.