



November 19, 2014

The Honorable Barbara Mikulski  
Chairman  
Committee on Appropriations  
The Capitol S-128  
Washington, DC 20510

The Honorable Richard Shelby  
Ranking Member  
Committee on Appropriations  
The Capitol S-146A  
Washington, DC 20510

The Honorable Dianne Feinstein  
Chairman  
Energy & Water Development  
Subcommittee  
Committee on Appropriations  
184 Senate Dirksen Office Building  
Washington, DC 20510

The Honorable Lamar Alexander  
Ranking Member  
Energy & Water Development  
Subcommittee  
Committee on Appropriations  
188 Senate Dirksen Office Building  
Washington, DC 20510

The Honorable John F. Reed  
Chairman  
Interior, Environment and Related Agencies  
Subcommittee  
Committee on Appropriations  
131 Senate Dirksen Office Building  
Washington, DC 20510

The Honorable Lisa Murkowski  
Ranking Member  
Interior, Environment, and Related Agencies  
Subcommittee  
Committee on Appropriations  
125 Senate Hart Office Building  
Washington, DC 20510

Dear Senators:

As the Senate and House finalize the fiscal year 2015 appropriations, the Waters Advocacy Coalition (WAC) urges your support for section 106 in House-passed H.R. 4923, the Energy and Water Development and Related Agencies Appropriations Act. Additionally, we urge your support for section 429 in H.R. 5171, the House Interior, Environment and Related Agencies Appropriations Act. Both sections would place a hold on the proposed "Waters of the United States" (WOTUS) rulemaking during fiscal year 2015. WAC is an industry coalition representing the nation's construction, real estate, mining, agriculture, transportation, forestry, manufacturing, and energy sectors, as well as wildlife conservation and recreation interests.

The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) have proposed a rule that significantly expands the definition of WOTUS under the Clean Water Act (CWA). The rule is a complicated set of regulatory definitions and contains many new and poorly defined terms. The result is a proposal that grants EPA the authority to

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assert jurisdiction over virtually all waters, including many ditches, conveyances, isolated waters, and other waters, that are presently under the jurisdiction of the states and that is inconsistent with Congressional intent and recent Supreme Court decisions.

WAC strongly supports section 429 in H.R. 5171 and section 106 in H.R. 4923, specifically preventing the EPA and the Corps from using fiscal year 2015 funds to develop, adopt, implement, administer or enforce any change to the regulations or guidance pertaining to the definitions of waters under the jurisdiction of the CWA. The Senate versions of these bills have no comparable policy directives.

If the Senate does not agree to retain these provisions, the EPA and the Corps will increase federal control over water and land, subjecting critical activities like farming, ranching, homebuilding, energy production, and critical infrastructure development to more complicated and time consuming reviews, increased compensatory mitigation costs and potential for delay because of citizen suits. It will also adversely affect green technologies, renewable energy sources, and serve as a disincentive to improved conservation and management of wildlife on private lands.

Such an outcome is simply unacceptable. Accordingly, we urge you to retain section 106 and section 429 when H.R. 4923 and H.R. 5171 are considered in conference.

Sincerely,

Agricultural Retailers Association  
American Exploration & Mining Association  
American Farm Bureau Federation  
American Forest & Paper Association  
American Petroleum Institute  
American Road & Transportation Builders Association  
American Society of Golf Course Architects  
Associated Builders and Contractors  
Association of American Railroads  
Association of Equipment Manufacturers (AEM)  
Association of Oil Pipe Lines  
The Associated General Contractors of America  
Club Managers Association of America  
Corn Refiners Association  
CropLife America  
Edison Electric Institute  
The Fertilizer Institute  
Foundation for Environmental and Economic Progress (FEEP)  
Golf Course Superintendents Association of America  
The Independent Petroleum Association of America (IPAA)  
Industrial Minerals Association – North America  
International Liquid Terminals Association (ILTA)  
Irrigation Association

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Leading Builders of America  
National Association of Home Builders  
National Association of Manufacturers  
National Association of REALTORS®  
National Cattlemen's Beef Association  
National Club Association  
National Cotton Council  
National Mining Association  
National Multifamily Housing Council  
National Oilseed Processors Association  
National Pork Producers Council (NPPC)  
National Rural Electric Cooperative Association  
National Stone, Sand and Gravel Association (NSSGA)  
Portland Cement Association  
Professional Golfers Association of America  
Public Lands Council  
Responsible Industry for a Sound Environment (RISE)  
Southeastern Lumber Manufacturers Association  
Sports Turf Managers Association  
Texas Wildlife Association  
Treated Wood Council  
United Egg Producers  
U.S. Chamber of Commerce

cc: The Honorable Harold Rogers  
The Honorable Nita M. Lowey  
The Honorable Michael K. Simpson  
The Honorable Marcy Kaptur  
The Honorable Ken Calvert  
The Honorable James P. Moran