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May 24, 2016

The Honorable Dan Sullivan
Chairman
U.S. Senate Subcommittee on
Fisheries, Water, and Wildlife
702 Hart Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
U.S. Senate Subcommittee on
Fisheries, Water, and Wildlife
530 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Sullivan and Ranking Member Whitehouse:

The National Association of REALTORS® (NAR) is pleased that the Senate Committee on Environment and Public Works Subcommittee on Fisheries, Water, and Wildlife will hold an oversight hearing entitled, "Erosion of Exemptions and Expansion of Federal Control –Implementation of the Definition of Waters of the United States."

NAR encourages the Subcommittee to ask the experts that have been assembled for this hearing about the potential impacts of the Waters of the U.S. (WOTUS) rulemaking by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) to redefine which U.S. water bodies are regulated under the Clean Water Act. NAR is deeply concerned that this controversial rule - with its economic impacts and procedural irregularities - will impede development opportunities for small businesses and hurt property rights in communities nationwide, with no discernible improvement in water quality.

For example, by increasing jurisdiction over ephemeral streams (which may only flow for a few hours after a rain event), the rule would contribute to the lack of clarity for property owners to determine what kinds of permits are required to develop the property. By regulating more ditches and other similar water conveyance systems, this rule could hinder the ability of farmers to manage crops or contractors to build new developments.

There is significant disagreement between the federal agencies, the states, local governments, and the regulated community about the scope and effect of the rulemaking. The confusion is so significant that the 6th Circuit Court of Appeals has imposed an unprecedented temporary nationwide stay on implementation of the rule while the court gathers additional information on the rule's legality and impacts.

If the stay is lifted and the EPA and the Corps implement the WOTUS rule, its impacts will be draconian and far-reaching. For this reason, NAR urges the Subcommittee to work with the Senate leadership to pass legislation that would withdraw the rule before it undermines the nation's economy and the rights of property owners.

Sincerely,



Tom Salomone
2016 President, National Association of REALTORS®

cc: U.S. Senate Subcommittee on Fisheries, Water, and Wildlife

