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FOR IMMEDIATE RELEASE

EPA PLANS HUGE POWER GRAB
Tried to keep evidence secret.

The Environmental Protection Agency has been playing keep-away in the agency's attempts to expand its jurisdiction from "navigable waters of the U.S." as defined in the Clean Water Act, to cover every mud puddle, according to RANGE magazine. RANGE is an award-winning publication devoted to the search for commonsense solutions to environmental issues, and on Sept. 20, 2014, received a second consecutive Freedom of the Press Award.

The new federal jurisdiction would include intermittent streams, puddles and wetlands, giving the EPA authority over almost every acre and citizen in America, says RANGE environmental editor Michael S. Coffman, Ph.D.

The impact can easily be seen in two new maps that the EPA is using to define its new jurisdiction, maps whose existence were kept secret from Congress, says Coffman.

Rep. Lamar (R-TX), chairman of the Science, Space & Technology Committee of the U.S. House of Representatives and others on the committee were unaware of the magnitude of the efforts to map every depression that would hold water after rain, and were certainly not aware of the use of these to define EPA's new jurisdiction, Coffman says.

"When the committee learned of the maps' existence and how they were being kept secret, Lamar demanded that the EPA give the digital maps to the committee, which were immediately posted at <http://science.house.gov/epa-maps-state-2013>," he says. "While the mapping effort was public information and posted in recent years on the Internet, strangely no maps were posted."

There has been increasing opposition to the EPA's expansion of jurisdiction, with a letter from the Waters Advocacy Coalition (WAC) dated Sept. 17, 2014, asking the U.S. Senate to move quickly on H.R. 5078, which would send the EPA back to the drawing board.

"On Sept. 9, 2014, the House of Representatives passed H.R. 5078 with a strong, bipartisan vote," WAC's letter states. "The Waters Advocacy Coalition respectfully requests that the Senate move quickly to consider H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act of 2014. Senate action on the bill will send a strong

message to the Environmental Protection Agency (EPA) and the U.S. Corps of Engineers (Corps) that they need to go back to the drawing board, using a balanced approach to develop a consensus report to Congress that can yield a proposal that will maintain environmental safeguards and simultaneously protect business and landowners from unnecessary regulation.

“Clarity on what is a “water of the United States” (WOTUS) has been elusive, but the current rule proposed by EPA and the Corps to define WOTUS is inconsistent with Supreme Court rulings and will expand federal jurisdiction and increase regulatory uncertainty. The proposed rule is, indeed, unacceptable to a broad range of stakeholders, including the bipartisan Western Governors Association, local elected officials represented by the National Association of Counties and, unanimously, by the National Association of State Departments of Agriculture.

“To highlight one concern, while the agencies assert that they are not expanding federal jurisdiction, the evidence suggests otherwise. The proposed rule explicitly states that the agencies intend to treat all perennial, intermittent, and ephemeral streams as per se jurisdictional (no case-specific analysis), and the preamble indicates that the agencies will identify tributaries using U.S. Geological Survey (USGS) maps and other appropriate information.

“Recent USGS maps prepared for EPA show a total of approximately 8.1 million miles of perennial, intermittent, and ephemeral streams across the 50 states, and that is before all ditches are included that could be per se jurisdictional under the proposed rule. However, EPA’s latest National Water Quality Inventory Report to Congress estimates only 3.5 million miles of regulable streams nationwide. The inventory report is based on the CWA section 305(b) reports, wherein the States report on the quality of all navigable waters, defined as WOTUS, within their borders. The comparison represents a 131 percent increase in potentially regulable stream miles under the proposed rule.

“The numbers simply do not add up.

“It is imperative that the agencies withdraw the proposed rule and develop a consensus-based substitute that is consistent with congressional intent and Supreme Court precedent.

“H.R. 5078 will help accomplish this objective.

“WAC is a coalition representing the nation’s construction, real estate, mining, agriculture, transportation, forestry, manufacturing, and energy sectors, as well as wildlife conservation and recreation interests. Thank you for giving consideration to our views.”

Signatories:

Agricultural Retailers Association
American Exploration & Mining Association
American Farm Bureau Federation
American Forest & Paper Association
American Petroleum Institute
American Public Power Association
American Road & Transportation Builders Association
American Society of Golf Course Architects
Associated Builders and Contractors
The Associated General Contractors of America
Association of American Railroads
Club Managers Association of America
Corn Refiners Association

CropLife America
Edison Electric Institute
Federal Forest Resources Coalition
The Fertilizer Institute
Foundation for Environmental and Economic Progress (FEEP)
Golf Course Builders Association of America
Golf Course Superintendents Association of America
The Independent Petroleum Association of America (IPAA)
Industrial Minerals Association – North America
Interstate Natural Gas Association of America (INGAA)
Irrigation Association
Leading Builders of America
NAIOP, the Commercial Real Estate Development Association
National Association of Home Builders
National Association of Manufacturers
National Association of REALTORS®
National Association of State Departments of Agriculture
National Cattlemen's Beef Association
National Club Association
National Cotton Council
National Council of Farmer Cooperatives
National Golf Course Owners Association of America
National Industrial Sand Association
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
Public Lands Council
Responsible Industry for a Sound Environment (RISE)
Southern Crop Production Association
Southeastern Lumber Manufacturers Association
Texas Wildlife Association
Treated Wood Council
United Egg Producers
U.S. Chamber of Commerce

CAPTION: The impact of the Environmental Protection Agency's plans to expand its power base can be seen in these two new maps. The yellow in the Streams & Waterbodies map are intermittent streams that have water in them only occasionally, sometimes separated by years of being dry. The enlargements illustrate more detailed examples of the maps. By using these maps to define jurisdiction, very few areas in the United States will NOT be under EPA control, requiring residents to get expansive and time-consuming government permits before doing anything.

CREDIT: Internet <http://science.house.gov/epa-maps-state-2013>

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EDITOR'S NOTE:

The Nevada Press Association recognized journalistic excellence Sept. 20, during its annual convention in Las Vegas, and conveyed major awards upon RANGE magazine. RANGE received 17 editorial awards: seven first places, five seconds, and five thirds. The first place awards include the coveted Freedom of the Press award, which makes the second consecutive win of the Freedom award for RANGE. The Montana Press Association judged the competition.

One judge remarked: "Never heard of RANGE magazine before but they take wide swings at big, fascinating, important subjects with thorough investigation, put-me-there drama and unflinching portrayal of the facts, regardless of politics, personal beliefs or religion. This is the kind of reporting that makes us important and relevant in an age when everything else is becoming more like a sound bite."

Digital versions of select stories can be found by visiting www.rangemagazine.com. To receive a full copy of the publication, email edit@rangemagazine.com.

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