

# TUSCOLA COUNTY BOARD OF COMMISSIONERS

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## RESOLUTION SUPPORTING HCR 31

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 page draft regulation for Definition of Waters of the U.S under the Clean Water Act; and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

WHEREAS, the proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local providers' hands, and negatively impact county-owned and maintained infrastructure such as roadside ditches and county drains; and

WHEREAS, the cost to our farms, municipalities, and taxpayers will be enormous; and

WHEREAS, HCR 31 calls for the EPA and Corps to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and

WHEREAS, this Board concurs with HCR 31.

THEREFORE, BE IT RESOLVED that the Tuscola County Board of Commissioners wholly supports HCR 31 calling for the U.S. Environmental Protection Agency and the Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Representative Terry Brown, Senator Mike Green, Governor Rick Snyder, the Michigan Association of Counties, Congressman Dan Kildee, U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin, and the National Association of Counties.

Date 6-26-14



Thom Bardwell, Chairperson  
Tuscola County Board of Commissioners

I, Jodi Fetting, Tuscola County Clerk, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tuscola County Board of Commissioners at its regular meeting on June 26, 2014.

Date 6/26/14



Jodi Fetting  
Tuscola County Clerk

#9

No. 14- 94c

RESOLUTION

To: The Honorable Board of Commissioners  
Huron County  
Michigan

WE, the LEGISLATIVE COMMITTEE, respectfully beg leave to submit the following resolution for your consideration:

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371-page draft regulation for Definition of Waters of the U.S under the Clean Water Act; and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act; and

WHEREAS, the proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local providers' hands, and negatively impact county-owned and maintained infrastructure such as roadside ditches and county drains; and

WHEREAS, the cost to our farms, municipalities, and taxpayers will be enormous; and

WHEREAS, HCR 31 calls for the EPA and Corps to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and

WHEREAS, this Board concurs with HCR 31; now

THEREFORE, BE IT RESOLVED that the Huron County Board of Commissioners wholly supports HCR 31 calling for the U.S. Environmental Protection Agency and the Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to all Michigan counties, Representative Terry Brown, Senator Mike Green, Governor Rick Snyder, the Michigan Association of Counties, Congresswoman Candice Miller, Congressman Dan Benishek, Congressman Bill Huizenga, Congressman Justin Amash, Congressman Dave Camp, Congressman Dan Kildee, Congressman Fred Upton, Congressman Tim Walberg, Congressman Sander Levin, Congressman Mike Rogers, Congressman Kerry Bentivolio, Congressman John Dingell, Congressman John Conyers Jr., Congressman Gary Peters, U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin, and the National Association of Counties.

Respectfully submitted,

HCR31, As Adopted by Senate, June 12, 2014

Reps. LaFontaine, Kelly, Lyons, Heise, Kivela, Lauwers, Brown, Daley, Pagel and Hooker offered the following concurrent resolution:

**House Concurrent Resolution No. 31.**

A concurrent resolution to call on the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to withdraw their proposed rule expanding the definition of "waters of the United States" under the Clean Water Act.

Whereas, The definition of "waters of the United States" under the Clean Water Act establishes the fundamental scope of federal authority to regulate activities in U.S. waters and wetlands. The U.S. Supreme Court has found on multiple occasions that the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Army Corps) have exceeded their authority in defining these waters beyond the intended scope of federal regulation; and

Whereas, In response to the Supreme Court decisions, the EPA and Army Corps have recently proposed an amended definition to clarify federal jurisdiction. Unfortunately, the EPA and Army Corps have once again missed the mark and continue to ignore the limits on their authority, usurping powers reserved to the states under the Tenth Amendment to the U.S. Constitution; and

Whereas, The proposed rule would create greater uncertainty for businesses and homeowners rather than providing clarity. The proposed rule will add new definitions for key technical terms that introduce ambiguities and vagaries into federal regulation. Confusion will inevitably lead to further litigation, tying up our courts, delaying economic development, and wasting taxpayer money; and

Whereas, High-quality scientific input must be the basis for environmental regulations, and the end result of scientific review should never be presumed. The EPA and Army Corps have failed to allow scientific review to be completed before moving forward with the proposed rule. In the rush to promulgate rules, the primary scientific report remains in draft form and has only recently been submitted to the EPA's Science Advisory Board for peer review; and

Whereas, The proposed rule would actually expand federal jurisdiction to more waters and wetlands, rather than limiting or simply clarifying jurisdiction as outlined by the U.S. Supreme Court. The EPA's economic analysis estimates that the proposed rule would increase jurisdiction by 3 percent, potentially leading to 1,400 more permits required and nearly \$220 million in additional costs to farmers, businesses, and homeowners. Furthermore, the economic analysis' assumptions and methodology significantly underestimate the potential jurisdictional expansion; and

Whereas, Any increases in federal jurisdiction will infringe upon state authority to regulate state waters. The state waters and wetlands affected by the proposed rule have minimal, if any, connection to federally navigable waters. Expanded federal jurisdiction limits the flexibility of Michigan and other states to create a regulatory environment that meets the needs and addresses the priorities of state residents. Michigan has been a national leader in creating proactive, voluntary programs like the Michigan Agriculture Environmental Assurance Program (MAEAP) that provide equal, if not greater, protection of the environment in a collaborative, non-adversarial manner. Michigan must have the freedom to protect state waters and to pursue innovative approaches without being handcuffed by rigid federal requirements; and