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ACTION REQUEST

May 21, 2014

To: County Farm Bureau Presidents

Re: EPA Resolution Action Request

Ref# 2014-05-21(1)--ActionRequested

Dear County Presidents:

TFB is involved in an aggressive effort to respond to proposed rules promulgated by the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE) that, if adopted, will greatly expand the scope of their regulatory authority under the Clean Water Act (CWA).

The U.S. Supreme Court has repeatedly found that federal jurisdiction under the CWA is limited. Despite this, the USEPA and USACE have proposed new regulations that expand the definition of "waters of the United States" that can be interpreted to include any place where water collects and/or runs off. As recent as May 1ST of this year 231 U.S. House of Representative Members sent a letter to the two agencies urging them to not pursue their proposed rules to expand federal control under the CWA.

The proposed regulations are particularly worrisome for local governments, farmers and ranchers. Expanding the regulatory definition of "waters of the United States" moves the CWA from navigable streams into bar ditches, farm ponds, fields and turn-rows. Normal farm and ranch activities could be interpreted by some to be regulated activities, subjecting farmers and ranchers to unnecessary regulatory burdens and excessive fines.

County and other local governments will be faced with additional requirements to obtain permits under Section 404 and other provisions of the CWA for normal maintenance activities on bar ditches, rights of ways, drainage areas, utility easements or any other area where the federal agencies rule that the CWA is applicable.

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The new rules also increase the potential for third-party, citizen lawsuits whereby an individual could bring allegations against a landowner or local government and seek federal prosecution.

In 2011, when these two federal agencies proposed a change in their internal guidance that have virtually the same effect as their current proposed rules, county governments rallied to comment against implementation of the guidance. Once again, TFB is reaching out to county officials and other local governments, through county Farm Bureaus to solicit their opposition to the proposed rules.

*****REQUESTED ACTION*****

Attached is a model resolution specifically written for county governments to consider for adoption and submission to the federal agencies. I encourage each county President to provide your County Judge and Commissioner's Court with a copy of the model resolution and request they take action.

Comments on this proposed rule must be submitted via www.regulations.gov by June 23, 2014. Farmers, ranchers, county officials, other local governments should strongly voice their opposition.

Sincerely,


Kenneth Dierschke
President

KD:RB:cg

CC: TFB Board of Directors
TFB Area Field Representatives
Vernie R. Glasson