

NORTHEAST DAIRY FARMERS COOPERATIVES

Agri-Mark, Inc. ~ Dairy Farmers of America Northeast Council ~ St. Albans Cooperative Creamery ~ Upstate Niagara Cooperative, Inc.

Robert J. Gray
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April 14, 2015

The Honorable Bill Shuster
Chairman
House Committee on Transportation
And Infrastructure
Washington, D.C. 20515

The Honorable Peter DeFazio
Ranking Member
House Committee on Transportation
And Infrastructure
Washington, D.C. 20515

Dear Chairman Shuster and Ranking Member DeFazio:

The Northeast Dairy Farmers Cooperatives, which represents more than 8,500 dairy producers from Maryland to Maine, would like to express our very strong support for the Regulatory Integrity Protection Act of 2015.

There have been few regulatory issues that have caused such serious concern with dairy farmers throughout the Northeast Region as the Waters of the U.S. proposed rule.

The Northeast is dotted with dairy farms that are as small as 50 cow herds to a number of herds that milk over 3,000 cows. The average size herd is in the 300 to 500-cow range.

The farmland is a mixture of rolling hills and valleys with many streams and small tributaries as well as lakes and rivers. Many of our fields are tilled to improve drainage and we have many fields that have water standing in them for short periods of time during the year.

The region falls into many major watersheds, including the Chesapeake Bay, the Great Lakes and areas along the eastern coast.

Our dairy farmers have worked closely with our state conservation agencies and USDA's Natural Resource Conservation Service (NRCS) to develop dairy nutrient management plans that are effective, efficient and affordable.

It is for these reasons that we strongly object to the proposed Waters of the U.S. (WOTUS) Rule that EPA and the Army Corps of Engineers is in the process of finalizing.

First of all, the WOTUS Rule significantly expands the jurisdiction of the Clean Water Act provisions dealing with U.S. navigable waters. The language in the definitions portion of the rule is both vague and contradictory. It is not clear from our reading of the rule which land features are covered under the proposed regulations. As previously mentioned, we have many portions of fields

that have intermittent amounts of water standing at various times of the year after heavy rainfalls and snow melt. EPA and the Corps have never been able to satisfactorily explain whether these ephemeral areas that have periodic standing water are covered under the proposed rule.

We are responsible for maintaining our ditches and tile fields as well as the small water conveyances that are typical parts of the landscape in the Northeast Region.

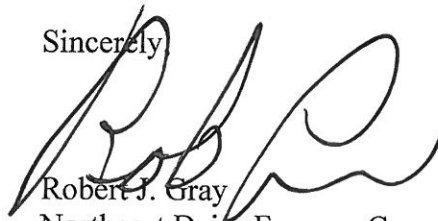
At the same time, we see the proposed rule as a serious intrusion on the long standing working relationship between our state and local conservation agencies and NRCS.

Our dairy cooperatives were never consulted when this rule was being considered by EPA and the Corps. It was thrust upon us with little regard for the economic and environmental implications in operating the region's dairy farms.

For these reasons alone we believe that the proposed WOTUS Rule should be withdrawn. Therefore we want to work closely with the Transportation and Infrastructure Committee in passing the Regulatory Integrity Protection Act.

Our dairy producers very much appreciate the Committee's leadership in moving to have this poorly written rule that has excessive regulatory over-reach withdrawn.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Gray', written over the typed name.

Robert J. Gray
Northeast Dairy Farmers Cooperatives
Senior Dairy Policy Advisor