



P.O. Box 216 Klamath Falls, Oregon 97601

Protecting Water for Western Irrigated Agriculture

April 10, 2015

The Honorable Bill Schuster, Chairman
The Honorable Peter DeFazio, Ranking Member
U.S. House of Representatives
Transportation and Infrastructure Committee
2251 Rayburn House Office Building
Washington, DC 20515

Re: Regulatory Integrity Protection Act

Dear Chairman Schuster and Ranking Member DeFazio:

On behalf of the Family Farm Alliance (Alliance), I write to formally express our organization's support for the Regulatory Integrity Protection Act. The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. The Alliance has long worked on finding ways to streamline and improve the federal regulatory processes with past administrations and Congress towards that end.

It is our understanding that the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) have transmitted the final proposed rule that would redefine "Waters of the U.S." (WOTUS) under the Clean Water Act (CWA) to the Office of Management and Budget for final review. As this rule progresses, we remain concerned that the very CWA jurisdictional issues the rule supposedly will clarify will be left even more uncertain, particularly in areas where Western farmers and ranchers store, move and apply water for irrigation of crops. This uncertainty brings with it the risk of additional burdensome regulations, time-consuming and potentially expensive procedures, expanded opportunities for litigation, and a shift from local and state water management towards increased federal agency involvement and oversight. While the proposed rule would theoretically preserve current CWA exemptions enjoyed by the agricultural community (such as the agricultural return flow exemption and the agricultural ditch and drain operations exemptions), the rule's approach to defining "other waters" is so expansive that it could be interpreted to render such exemptions meaningless. Our farmers and ranchers simply do not need another layer of difficulty added to a profession that is already saddled with the significant challenges of sustained drought and increased urban and environmental water demands.

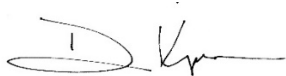
Further, we do not believe that additional enforcement and regulation are needed at this point. The case for expanded federal jurisdiction of the CWA and attendant tightened regulation of jurisdictional waters has been greatly exaggerated, in our view. And, we are concerned that the push by EPA and the Corps to unilaterally broaden the scope of the CWA threatens to undermine critical federal-state relationships and erode state authority by granting sweeping new federal jurisdiction to waters never intended for federal regulation under the CWA.

For these reasons, we support the Regulatory Integrity Protection Act., which would give EPA and the Corps (collectively referred to as the “Agencies”) 30-days to withdraw the current proposed WOTUS rule, and charges them with developing a new proposed rule. When developing the new proposed rule, the Agencies must take into consideration all of the comments received on the rule, the economic analysis of the rule, and the connectivity study which was used as the basis for the rule. The bill requires the Agencies to engage in outreach to stakeholders, including a federalism consultation with the states and local governments. Under the bill, the Agencies are instructed to seek to reach consensus with states and local governments on defining WOTUS, maintain the federal-state partnership in implementing the CWA, and take into consideration state and local input regarding geography, hydrology, and legal frameworks. The Agencies are also directed to consult with and solicit recommendations from stakeholders that represent a broad range of perspectives who could be impacted either directly or indirectly by the new rule.

American family farmers and ranchers for generations have grown food and fiber for the world, and we will have to become more innovative than ever before to meet this critical challenge. That innovation must be encouraged rather than stifled with new federal regulation and uncertainty. Unfortunately, many existing and proposed federal policies on water issues make it more difficult for farmers in an arena where agricultural values are at a disadvantage to federal ecological and environmental priorities. Currently, it seems that water policies being developed at EPA and the White House Council on Environmental Quality (CEQ) are being considered separately from foreign and domestic agricultural goals, including national security issues. Many of these administrative changes are drawing praise from environmental organizations that have been advocating for them for some time, but the huge negative impacts of such destructive policies will ultimately be aimed at the heart of the economy in rural America.

We can only hope your efforts will help to compel the Obama Administration to give equal consideration to the concerns of the states, agricultural stakeholder organizations like ours, and other producers in the “regulated community”. We welcome your leadership to help make that possible.

Sincerely,



Dan Keppen
Executive Director
(541)-892-6244 (cell) dankeppen@charter.net