



National Alliance of Forest Owners
Investing in the Future of America's Forests

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, DC 20515

Dear Chairman Shuster and Ranking Member DeFazio:

On behalf of the National Alliance of Forest Owners (NAFO), we are pleased to offer our support for the Regulatory Integrity Protection Act of 2015 which would reaffirm the need for additional consultation and review regarding the highly complex effort by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) to delineate their jurisdiction over water resources in forthcoming regulations.

NAFO's mission is to protect and enhance the economic and environmental values of private forests through targeted policy advocacy at the national level. At the time of this submission, NAFO's members represent 80 million acres of private forests in 47 states. NAFO works aggressively to sustain the ecological, economic, and social values of forests and to assure an abundance of healthy and productive forest resources for present and future generations.

The Regulatory Integrity Protection Act will provide a critical opportunity for EPA and the Corps to fully consider the feedback of States, local governments, private forest owners and other stakeholders. As important, the legislation will provide the public an additional opportunity to review and comment on the significant and technical changes to the original proposal.

The legislation addresses a rule proposed by EPA and the Corps last April to rewrite the "waters of the U.S." definition under the Clean Water Act (CWA). The CWA establishes various programs to regulate "navigable waters," which the statute defines as "waters of the United States." The agencies in turn have further defined what is meant by "navigable waters" in their regulations. The agencies state their current goal is to craft a clear, concise and workable definition for "waters of the U.S." to reduce confusion flowing from two decisions by the Supreme Court. - *Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers*, 531 U.S. 159 (2001), and *Rapanos v. U.S.*, 547 U.S. 715 (2006). In both decisions, the Court found that the agencies had implemented their regulatory definition in a manner contrary to the meaning of "navigable waters" in the statute.

Forest owners actively manage land containing a variety of water features from ditches to wetlands. Adjustments in the scope of federal jurisdiction over these features has the potential to cause significant confusion and unintended consequences as forest owners, Federal and state agencies and the courts seek to interpret the meaning of the new regulatory language. A matter of

such environmental and economic consequence warrants as much consultation and review as possible before adoption of a final policy.

We thank you for your leadership on this important piece of legislation. If you have any questions, please do not hesitate to contact Jane Alonso on my staff at 202-747-0741.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'D. Tenny', with a long horizontal flourish extending to the right.

David P. Tenny
President and CEO
National Alliance of Forest Owners