

Wyo delegation opposes change to Clean Water Act

'Another massive power grab'

By MEAD GRUVER - Associated Press writer | Posted: Wednesday, December 9, 2009 12:00 am |

CHEYENNE -- The three members of Wyoming's congressional delegation are among 28 Republican lawmakers who oppose changing the Clean Water Act to clarify that it applies to all surface water in the United States, not strictly navigable water.

Sen. John Barrasso, R-Wyo., said in a release Tuesday that the federal government shouldn't regulate "mud puddles and prairie potholes."

The 11 senators and 17 representatives say the measure would give the Environmental Protection Agency and U.S. Army Corps of Engineers "virtually unlimited regulatory control over all wet areas" within states.

The federal act is subject to discussion because it does not define the proximity of a polluted stream to navigable water in order for the smaller body of water to be regulated under the law. Federal courts including the U.S. Supreme Court have offered conflicting opinions about that, said Steve Jones, watershed protection program attorney with the Lander-based Wyoming Outdoor Council.

He said streams deserve to be included in the Clean Water Act.

"I don't understand why the Wyoming delegation doesn't believe that coverage is worthwhile," Jones said.

The GOP lawmakers expressed long-held concerns in the West about the federal government meddling in land and water issues.

"Somehow, Washington thinks they can do a better job than local water managers. This bill simply represents another massive power grab in the West by a Congress that wouldn't know a puddle from a spring," Rep. Cynthia Lummis, R-Wyo., said in a release.

The Clean Water Act dates back to 1972. The proposed bill wouldn't make major changes to the Clean Water Act but merely preserve the act as it was enforced for decades, said the bill sponsor, Wisconsin Democratic Sen. Russ Feingold, in an e-mail statement to The Associated Press.

"This bill would stop the rollback of the landmark law, which has protected Americans' drinking water, as well as the natural habitats of all sorts of fish and wildlife for over three decades," Feingold said.

He said the proposal is supported by a broad range of hunting and fishing groups, conservation organizations, agriculture groups and others. The lawmakers who oppose the bill are from Utah, Idaho, Nevada, Arizona, Alaska, Kansas, Colorado, California, Montana, Nebraska, Texas, Oregon and South Dakota. They include Sen. Orrin Hatch, R-Utah, and Sen. Jon Kyl, R-Ariz.

The Clean Water Restoration Act cleared the Senate Environment and Public Works Committee on June 18 and has 24 co-sponsors, all Democrats and most from the East and Midwest. The bill hasn't been introduced in the full Senate.