

From Western Business Roundtable

ISSUE BACKGROUND:

1. Oberstar-Feingold Clean Water Act Expansion Legislation

A top priority for the Roundtable in the 111th Congress is continued opposition to efforts, by the majority in Congress, to enact an extreme expansion of the Clean Water Act (CWA).

Over the past several years, the Roundtable has been a national leader in organizing opposition to the "Oberstar-Feingold" bill, so-named because its chief sponsors, House Transportation and Infrastructure Committee Chair Congressman James Oberstar (D-MN) and Senator Russ Feingold (D-WI). This legislation, if enacted, would represent a breath-taking expansion of federal regulatory power. It would extend the Environmental Protection Agency's (EPA) and Army Corps of Engineers' (Corps) permitting authority over any arguably wet (even only periodically) areas in individual states. Worse yet, the bill would also give the feds authority over any activities on surrounding lands. That amounts to virtual "veto power" over local and state land-use planning processes. To review more background on the issue and a history of our efforts, [go here](#).

As the re-introduction of the Oberstar-Feingold package becomes imminent, we are turning our advocacy efforts squarely towards Congress. Here's an update on recent actions in the West, what we expect next and the suite of advocacy tools we are now preparing to launch to push back on this federal water (and, yes, land) grab.

Progress In Western States:

Our early activity this year has been focused on educating state and local officials throughout the West regarding the huge implications passage of the Oberstar-Feingold proposal would have for state and local water and land use authorities. We are extremely pleased by the level of recognition the issue is now getting in the region. Legislative resolutions opposing expansion of federal CWA authority, have been introduced in the following Western states' legislatures:

Utah -- [HCR 6](#) (by Representative Brown) has passed has passed the House and Senate and is now before Governor Huntsman.

- **Alaska** -- [SCR 003](#) (by Senators Bunde and Therriault). It has been assigned to the Resources and Judiciary Committees.
- **North Dakota** -- [HCR 3014](#) (by Representatives Brandenburg, Belter and Boe and by Senators Heckaman, O'Connell and Wanzek) has passed the House. On February 26th, it was introduced in the Senate and referred the Agriculture Committee.
- **Arizona** -- [SCR 1024](#) (by Senator Sylvia Allen) is awaiting committee assignment.
- **Montana** -- [SJ7](#) was introduced by Senator John Brenden, it passed by a bipartisan vote of 32-18 in the Montana State Senate on 2/2. It was transmitted to the House on February 2 and assigned to the House Committee on Natural Resources.

Next Steps:

- We will continue to push this issue with state and local decision makers. Our next step will be launch, in the coming week, of an on-line petition targeted to state legislators and county officials throughout the region.

- [State and County Officials Letter](#)
- [Petition Text](#)
- We have drafted a letter to Western Congressional Delegations, urging them to oppose (and especially not cosponsor) the Oberstar-Feingold package.
 - [Draft Letter to Western Members of Congress](#)
 - [Draft Letter to Western Members of the U.S. Senate](#)
- This issue will be among the key topics we will be discussing with Western Members when we meet with them during our upcoming [April 2009 D.C. Fly-in](#).
 - [Issue Backgrounder](#)
- We will be focused on this issue in the Roundtable's May Congressional Issue Briefing. To see a full roster of 2009 Congressional Briefing topics scheduled to-date, [go here](#).

See Western Business Roundtable for more on the water issues. www.westernroundtable.com.