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June 17, 2009

The Honorable Barbara Boxer, Chair
Committee on Environment & Public Works
410 Dirksen Senate Office Bldg.
Washington, DC 20510

The Honorable James Inhofe, Ranking Member
Committee on Environment & Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Boxer and Ranking Member Inhofe:

I'm writing on behalf of the South Dakota Cattlemen's Association (SDCA) and our 1,000 beef producer members to express our opposition to S. 787 – the so-called "Clean Water Restoration Act". This legislation would greatly expand the regulatory reach of the Clean Water Act (CWA) to the detriment of South Dakota's livestock producers and ***we strongly urge your opposition to S. 787.***

CWRA would significantly expand the regulatory authority of the CWA beyond protecting wetlands and waterways, transforming it into a vehicle for regulating virtually every wet area – granting federal jurisdiction to all "intrastate waters," creating regulatory uncertainty for all landowners and natural resource managers and assuring significant litigation will follow. Indeed, by applying the Act to "all interstate and intrastate waters," S. 787 leaves no water unregulated. As a consequence, S. 787 would vastly expand the range and number of activities that require permits – affecting farmers, ranchers, many waste treatment systems, new home and road construction, commercial development, energy development, and manufacturing activity. Not only would many activities not previously regulated require federal permits, those permits would be subject to challenge in federal court, delaying or halting these activities to the detriment of our economy.

In addition, the CWRA is contrary to the stated objective of the CWA to preserve states' authority over their own waters. If implemented, the CWRA would displace state and local jurisdiction over land and water use, resulting in an unprecedented increase in federal regulatory authority and imposing significant administrative burdens on ag producers and regulatory authorities alike.

SDCA urges you to preserve state and local jurisdiction for our natural resources, including land and water use, and avoid unnecessary alterations to the regulatory reach of the CWA. South Dakota cattlemen are committed to conserving our water resources and we believe this can be accomplished without a dramatic expansion of the CWA. Thanks for your careful consideration of this important issue.

Regards,

A handwritten signature in black ink, appearing to read "T. Mortenson", written over a light-colored background.

Todd Mortenson, President

Cc: Senator John Thune
Senator Tim Johnson
Senate Committee on Environment & Public Works