



C.L. "BUTCH" OTTER  
GOVERNOR

## NEWS RELEASE

**FOR IMMEDIATE RELEASE:**

October 24, 2014

14:066

CONTACT: Jon Hanian

(208) 334-2100

### **GOVERNOR OTTER, ATTORNEY GENERAL WASDEN URGE EPA TO WITHDRAW PROPOSED WATER RULE**

(Boise) – Governor C.L. "Butch" Otter and Attorney General Lawrence Wasden are urging federal environmental officials to withdraw a proposed rule clarifying how streams, ditches and other waters will be defined under federal law.

The Governor and Attorney General recommend in a letter today that the Environmental Protection Agency and the U.S. Army Corps of Engineers start the rulemaking process over again – this time with more involvement and input from the state.

The proposed rule is overreaching, carries potential risks for Idaho's agriculture industry and private property owners and aims to give the federal government authority over waters that are not now subject to Clean Water Act jurisdiction, according to the letter signed by Otter and Wasden.

"The Environmental Protection Agency claims it only wants to 'clarify' what waterways and bodies of water fall within its regulatory jurisdiction under the Clean Water Act. But that's just semantics. In reality, the EPA is checking every nook and cranny of the United States for opportunities to expand its influence in the name of protecting us," Governor Otter said. "Protecting our water is every bit as important to survival of the Idaho I know and love as protecting the Constitution is to the survival of the republic. Public policy should be grounded in values that reflect what we hold most dear. In Idaho, those values include private property, individual liberties, and our water."

Governor Otter and Attorney General Wasden expressed their concerns in a letter to EPA Administrator Gina McCarthy and Jo Ellen Darcy, Assistant Secretary of the Army (Civil Works).

"Idaho's water resources are too valuable and integral to simply just hand over to federal authority under a rule that is too broad, risky and confusing," Wasden said. "It's time for federal regulators to start the process over and actively consult with state experts and stakeholders to craft a rule that is clear, consistent and adheres with federal court precedent."

In the letter, the Governor and Attorney General recommend formation of a state-federal working group to revamp the rule.

Federal officials contend the new rule they are drafting is needed to clarify the scope of jurisdiction for the 1972 Clean Water Act. But Otter and Wasden argue that the proposed rule would do just the opposite, and could be interpreted as expanding federal jurisdiction to waterways that now fall outside the scope of federal water law.

The proposed rule also lacks agricultural exemptions carved out in the existing law, including groundwater, irrigation ditches and farm and stock ponds, the letter states.

The proposed rule now is subject to public comment, with a deadline of November 14. If federal officials deny the request to withdraw the rule, Otter and Wasden want additional time to submit comments.

“As always, Idaho stands ready to work with the EPA and the Corps’ to support further dialogue and consultation between your agencies and Idaho regarding this rule and any and all other issues involving the protection of our waters,” the Governor and Attorney General wrote.

###