

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

RESOLUTION OPPOSING THE PROPOSED RULES PROMULGATED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY (USEPA) AND THE U.S. ARMY CORPS OF ENGINEERS (USACE) REGARDING THE SCOPE OF THEIR REGULATORY AUTHORITY UNDER THE CLEAN WATER ACT (CWA)

WHEREAS, the United States Environmental Protection Agency (USEPA) and the United States Army Corp of Engineers (USACE) have proposed a new rule to define “waters of the United States” that will vastly expand the jurisdictional authority of the federal Clean Water Act (CWA), entitled “Definition of ‘Waters of the United States’ Under the Clean Water Act”; and

WHEREAS, USEPA and USACE have chosen to selectively interpret various Supreme Court decisions related to the jurisdictional authority of the Clean Water Act (CWA) in order to develop a new Guidance which expands their own jurisdictional authority under the CWA to include waters of the state(s) and other waters previously not regulated under either the CWA or judicial proclamation, including some ditches, farm ponds, dry water ways and isolated wetlands; and

WHEREAS, the proposed rule, if adopted, would infringe upon the sovereignty of state(s) to appropriately regulate waters of the state(s); and

WHEREAS, the proposed rule, if adopted, would require counties and special districts to obtain costly and burdensome Section 404 Permits from the USACE for the construction of small bridges and culverts, and routine maintenance of some ditches, canals, and other such water conveyances; and

WHEREAS, the proposed rule, if adopted, would infringe on private property rights, impairing land management activities such as urban development and agriculture production; and

WHEREAS, legislation to expand the jurisdictional authority of the CWA as described in the proposed rule has failed in the U.S. Senate; and

WHEREAS, the USEPA and USACE have been criticized by both the U.S. Senate and the U.S. House of Representatives for enacting expansive rules without congressional oversight.

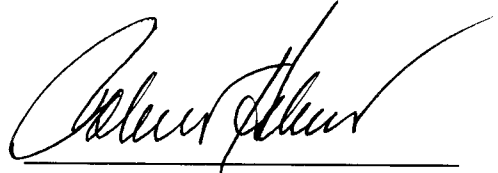
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS:

THAT FORT BEND COUNTY STRONGLY OPPOSES THE PROPOSED NEW RULE TO DEFINE “WATERS OF THE UNITED STATES” IN THAT IT INCREASES THE NEED FOR BURDENSOME AND COSTLY PERMITTING REQUIREMENTS, INFRINGES ON PRIVATE PROPERTY RIGHTS, AND CIRCUMVENTS THE LEGISLATIVE PROCESS, THUS, THE WILL OF THE PEOPLE.

BE IT FURTHER RESOLVED:

THAT CONGRESS, NOT FEDERAL AGENCIES, MAKE THE LAWS AND THEREFORE ANY SUCH CHANGE IN JURISDICTIONAL POWER OF THE FEDERAL GOVERNMENT SHOULD ONLY OCCUR AS A RESULT OF THE PASSAGE OF FEDERAL LEGISLATION.

PASSED AND APPROVED BY COMMISSIONERS COURT this 22nd day of July, 2014.



Robert E. Hebert, County Judge

ATTEST:



Dianne Wilson, County Clerk



(Seal)