



# MARIPOSA COUNTY

Administration • 209-966-3222



## **RESOLUTION - ACTION REQUESTED 2014-453**

MEETING: September 9, 2014

TO: The Board of Supervisors

FROM: Rick Benson, County Administrative Officer

RE: Letter Opposing Proposed EPA Navigable Waters Rule Change

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### **RECOMMENDATION AND JUSTIFICATION:**

Approve Letter to Federal Legislators and Approve Comments to the US Environmental Protection Agency Opposing the Proposed Rule Change Concerning Navigable Waters and Authorize the Board of Supervisors Chair to Sign the Letter.

The US Environmental Protection Agency (EPA) has released a proposed rule, in conjunction with the US Army Corps of Engineers to alter the definition of what constitutes a "water of the United States." This would expand EPA's jurisdiction over specific water bodies under the Clean Water Act, greatly impacting local permitting and jurisdiction.

The EPA will be accepting written public comments until October 20, 2014. It is recommended that your Board approve the attached comments opposing the rule change as well as the attached letter urging our federal legislators to support legislation to stop the implementation of this change.

This proposed rule will greatly expand the number and types of bodies of water that the EPA will now have jurisdiction over. It will burden local ranchers, farmers and all property owners with federal permitting requirements. It will also have a dramatic effect on the County's ability to maintain drainage ditches. Most likely, requiring cumbersome permitting requirements before the County is allowed to perform basic maintenance activities.

The attached letter and comments are consistent with positions taken by a number of organizations including Rural County Representatives of California (RCRC) and National Association of Counties (NACo).

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Your Board has received several comments from citizens concerning this issue and has, in the past submitted letters and comments regarding federal legislation and rules when it has an effect on Mariposa County government and/or property owners.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

The County will not have taken any formal position regarding this proposed rule change. Individual Supervisors have the ability to submit their own comments.


**ATTACHMENTS:**

**navigable waters letter (DOCX)**

**navigable waters (DOCX)**

**CAO RECOMMENDATION**

Requested Action Recommended

  
Rick Benson, County Administrator/Office

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

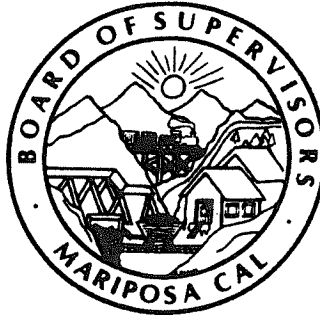
**MOVER:** Merlin Jones, District II Supervisor

**SECONDER:** John Carrier, District V Supervisor

**AYES:** Stetson, Jones, Bibby, Cann, Carrier

# Mariposa County Board of Supervisors

District 1 ..... LEE STETSON  
District 2 ..... MERLIN JONES  
District 3 ..... JANET BIBBY  
District 4 ..... KEVIN CANN  
District 5 ..... JOHN CARRIER



RICHARD J. BENSON  
County Administrative Officer

RENÉ LAROCHE  
Clerk of the Board

P. O. Box 784  
Mariposa, CA 95338  
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(800) 736-1252

Fax (209) 966-5147  
[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

September 9, 2014

Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

RE: Proposed definition of "Waters of the United States."  
Docket # EPA-HQ-OW-2011-0880

Dear Senator Feinstein:

The Environmental Protection Agency has proposed a new rule to redefine the definition of "Waters of the United States." This proposed rule would significantly expand the agency's jurisdiction by subjecting virtually every collection of water, no matter how insignificant, to EPA regulation. The County of Mariposa is opposed to this proposed rule change for several reasons.

We believe that this is an overreach of the powers of the federal government. If local waters are to be managed, it is the role of the state and local jurisdictions and not the Federal Environmental Protection Agency. This has already been addressed by the US Supreme Court, and the proposed rule is an attempt to circumvent the Court's ruling.

The County is also concerned that this proposal will have a negative impact on the farmers and ranchers of Mariposa County. It certainly has the potential to limit allowable activities on their own property, which can only result in making it more difficult for these individuals to sustain their way of life.

Finally, this action will make it more difficult for the County to deliver services to the public. When ditches, ponds and small creeks become subject to EPA jurisdiction, even the most basic cleaning and/or other road maintenance projects become problematic. The County and other like jurisdictions should not be subject to the federal permitting process in order to deliver basic services. Ultimately, the County is liable for maintaining the integrity of ditches even if federal permits are not approved in a timely manner.

In light of the County's concerns, we urge you to support any and all legislation which proposes to block the implementation of the proposed rule.

Sincerely,

Kevin Cann  
Chair  
Mariposa County Supervisor

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September 9, 2014

Honorable Barbara Boxer  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

RE: Proposed definition of "Waters of the United States."  
Docket # EPA-HQ-OW-2011-0880

Dear Senator Boxer:

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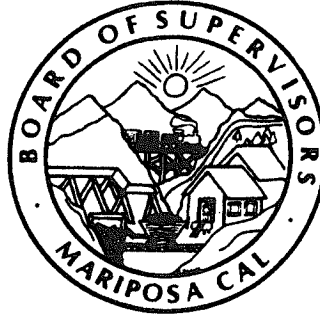
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September 9, 2014

Honorable Tom McClintock  
United States Senate  
434 Cannon HOB  
Washington, DC 20515

RE: Proposed definition of "Waters of the United States."  
Docket # EPA-HQ-OW-2011-0880

Dear Congressman McClintock:

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