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For More Information:
202/289-4434 (ARTBA)
703/548-3118 (AGC)

Transportation Construction Coalition Clean Water Restoration Act Talking Points

Legislation Status

The Senate Environment & Public Works Committee recently delayed mark up of S. 787 – *The Clean Water Restoration Act of 2007* – which would dramatically expand federal jurisdiction under the Clean Water Act (CWA) to virtually every body of water in the United States.

Background

Representative Jim Oberstar (D-MN) and Senator Russ Feingold (D-WI) have repeatedly sponsored legislation that would reinstate the so-called “migratory bird rule,” which was struck down by the Supreme Court in 2001, that applied federal jurisdiction to anywhere a bird could land. Senator Feingold recently reintroduced the bill and Representative Oberstar is expected to in the near future.

By removing the term “navigable” from the CWA and inserting a long list of water types that would fall within the new definition of “Waters of the U.S.,” a wetlands permit would be required for any transportation improvement including ditches or similar potential repositories of water.

Transportation Construction Industry Message to Senators and House Members

- As a result of expanded jurisdiction and additional permits, the legislation could substantially delay transportation improvements and their benefits.
- A recent study found that getting an individual Section 404 permit took on average 788 days at a cost of \$271,000. Vastly increasing the jurisdiction of the CWA would require more permits and cause these costs to grow.
- Permit decisions should be made by the county and state residents because they understand the issues facing their state. Federal water policy should give these communities the tools they need to meet their unique transportation and environmental needs.
- Expanding CWA jurisdiction, as proposed in S. 787, would also expand opportunities for opponents to file lawsuits against transportation improvements, including projects approved by federal regulators.

Our nation's waters are cleaner today than 30 years ago. Please oppose broad expansion of the CWA so your state and communities can continue this progress.