

SECTION 404 PERMITTING : General Clean Water Act Section 404 permitting and information on the Rapanos Supreme Court case can be accessed on the Internet by clicking on link to the U.S. Army Corps of Engineers Web Page at <http://www.spl.usace.army.mil/regulatory/> and selecting the links to **Jurisdictional Determinations** and **Permit Process and Technical Information**. The EPA Office of Water <http://www.epa.gov/OW/index.html> also has links to information related to wetlands and CWA permitting.

WETLAND DELINEATION MANUAL REGIONAL SUPPLEMENTS:

http://www.usace.army.mil/cw/cecwo/reg/reg_supp.htm

CLEAN WATER RESTORATION ACT: The Clean Water Restoration Act, H.R. 2421 and S. 1870, has been the subject of hearings in both the House and Senate in recent weeks. The Senate Committee on Environment and Public Works held its hearing last month to discuss the legislation and its intended scope. One week later, the House Transportation and Infrastructure Committee conducted a marathon hearing on the legislation that lasted for over 11 hours. The focus of that hearing was the debate on whether or not this legislation would end the jurisdictional dispute over the Clean Water Act which has resulted from the recent Supreme Court cases on this issue.

As currently drafted, the legislation would remove the word "navigable" from the definition of "waters of the United States," and would expand EPA's and the Army Corps of Engineer's jurisdiction to include "all intrastate waters." Even more importantly, the scope of the legislation would include "all activities affecting those waters," whether public or private, and regardless of whether or not the activity is occurring in water or whether the activity actually adds a pollutant to the water. This would create longer permitting delays. An increase in litigation also is extremely likely, as the legislation fails to clarify any limits on federal authority.

To view a summary of the House Transportation and Infrastructure Committee hearing, click http://www.magnetmail.net/images/clients/IMA_NA/attach/summaryoftestimonyfromCWAApril2008hearing.doc

To view the letter the Water Advocacy Coalition sent to House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN), click http://www.magnetmail.net/images/clients/IMA_NA/attach/WACResponsetoOberstar.pdf.

To view the opening statement of Chairman Oberstar, click http://www.magnetmail.net/images/clients/IMA_NA/attach/chairmanoberstaropeningstatementCWAhearingApril2008.pdf

To view the opening statement of Senate Committee on Environment and Public Works Chairman Barbara Boxer (D-CA), click http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Statement&Statement_ID=e8cebfc-3b81-46ef-81fb-52db350b3711

To view the opening statement of Senate Committee on Environment and Public Works Ranking Member James Inhofe (R-OK), click http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Statement&Statement_ID=a0e0a960-ed6f-44ce-85b6-bacc7d040287