Office of the Governor

July 11, 2007

The Honorable Harry Reid
528 Hart Senate Office Building
Washington DC 20510

The Honorable John Ensign
119 Russell Senate Office Building
Washington DC 20510

The Honorable Shelley Berkley
439 Cannon House Office Building
Washington DC 20515

The Honorable Jon Porter
218 Cannon House Office Building
Washington DC 20515

The Honorable Dean Heller
1023 Longworth House Office Building
Washington DC 20515

RE: H.R. 2421

Dear Congressional Delegates:

On May 22, 2007, Representatives Oberstar, Dingell and Ehlers introduced the Clean Water Restoration Act (CWRA), H.R. 2421. The stated intent of this legislation is to reaffirm and clarify the original intent of Congress as it pertains to clean water. The legislation is in response to two recent U.S. Supreme Court decisions (SWANCC, 2001 and Rapanos, 2006) where the court held the federal Clean Water Act lacked authority over certain isolated water bodies and river tributaries in the absence of determining a nexus.
I am very concerned that this legislation unnecessarily expands federal oversight of water quality management in the U.S. to include what has traditionally been the purview of the states, that being ground water. The revised definition of “waters of the United States” contained in H.R. 2421 not only includes additional water bodies but “activities” affecting those waters. This would have a significant impact to our State programs and our regulated entities.

Since the passage of Nevada's Water Pollution Control law in the mid-1970s, Nevada has had jurisdiction over all waters of the state including ground water. Many other states in the U.S. have similar authority. For more than three decades Nevada has effectively managed its precious water resources for the benefit of all of its citizens and visitors. I do not believe that federal expansion of the Clean Water Act and its intervention into what has traditionally been the role of state or local governments will result in additional protections nor be in the best interest of clean water or our economy. I respectfully request you oppose H.R. 2421 and the Senate version expected to be released soon.

Sincerely,

JIM GIBBONS
Governor

JAG/jlis