

NEWS RELEASE

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NACo reaffirms local concerns about “waters of the U.S.” proposal

Commissioner’s testimony highlights impacts on rural communities

WASHINGTON, D.C. – The National Association of Counties (NACo) continues to shine the light on local concerns about the federal government’s proposal to redefine “waters of the U.S.” On behalf of NACo, Ouray County, Colo. Commissioner Lynn Padgett today testified before the U.S. Senate Committee on Agriculture, Nutrition and Forestry.

“Counties support common-sense environmental protection, and we are on the front lines of safeguarding water resources in our communities,” said Padgett. “We are concerned that the proposal’s unclear language would lead to unintended, adverse consequences for counties and residents across the country.”

Padgett explained, “This proposal exacerbates problems with the current permitting process. It would cause greater delays in critical work, public safety risks and additional financial costs without benefiting the environment.”



At today’s hearing, Padgett outlined four reasons NACo late last year [called for the proposed rule to be withdrawn](#) until further analysis and more in-depth consultation with state and local officials could be completed. The reasons included:

- The proposal’s vast impacts on counties
- An inadequate consultation process with state and local governments
- Ambiguous and inconsistent terminology, and
- Ongoing delays with the current permitting process.

Local governments own nearly 80 percent of all public road miles and half of the nation’s bridges. Counties also own and maintain public safety infrastructure designed to keep rising water away from people and property. These and other systems include flood control channels, roadside ditches, green infrastructure and drinking water facilities.

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The proposed rule introduces vague definitions for terms like “tributary,” “significant nexus,” “adjacency,” “riparian areas,” “floodplains” and “neighboring.” Depending on how these terms are interpreted, additional types of public infrastructure could fall under federal jurisdiction.

Padgett underscored the importance of the local, state and federal partnership in creating practical rules and implementing Clean Water Act programs on the ground. “Counties are not only stakeholders in this process,” she said. “We are key partners in our nation’s structure of government.”

Padgett added that this is not a political issue for counties. “I can assure you,” she said, “County governments do not see this as a partisan issue. It is an issue of practicality and partnership.”

“NACo looks forward to working with Congress and federal agencies to make a rule that makes sense and achieves our common goal: to protect clean water while preserving public safety and the economic vitality of our communities.”

Over the past 10 months, NACo has testified before congressional bodies four times, including NACo First Vice President Sallie Clark’s testimony before a [bicameral congressional hearing](#) last month. Since the proposal was unveiled in April 2014, NACo has advocated for greater clarity and launched an [online resource hub and action center](#).

Watch Padgett discuss the rule, read her testimony on behalf of NACo and find more information at www.naco.org/WOTUS.

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The [National Association of Counties](#) (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo assists America’s 3,069 counties in pursuing excellence in public service to produce healthy, vibrant, safe and resilient counties. NACo promotes sound public policies, fosters county solutions and innovation, promotes intergovernmental and public-private collaboration and provides value-added services to save counties and taxpayers money. More information at: www.naco.org.