

RESOLUTION

2014-05 - 05B

OPPOSITION TO NEW EPA REGULATIONS

WHEREAS, Custer County, Oklahoma has experienced long term and costly delays to its road construction projects and also to private projects located in this county due to the EPA and Army Corps definitions for "Waters of the U.S."

WHEREAS, the U.S. Supreme court has stated that an applicant spends an average of 788 days of time and \$271,596 to obtain an individual 404 U.S. Corps permit. The Supreme Court chastised these agencies in the 2001 SWANCC case and the 2006 Rapanos case for regulatory overreaching and these agencies have refused to adapt to the push back they continue to receive from taxpaying landowners.


WHEREAS, these agencies are currently using interpretive guidelines established by the EPA in 2011 and these guidelines do not grant them final authority.

WHEREAS, the EPA now wishes to adopt new regulations which will indeed grant them final authority in matters dealing with water of the U.S. and will include regulation of man-made ditches, public drains, tributaries, adjacent and neighboring wetlands, ecoregion, significant nexus, surface connection, ground water connection, discharge and possibly much more. Regulation of these latter items has currently resulted in high levels of confusion, delays and increased permitting costs for the applicants. It has also allowed the EPA and the Corps to far exceed their applicable regulatory, statutory and constitutional limits. In addition, this regulation is redundant to State wetland regulations that are already in place and mitigate wetland impacts from a prepaid wetland bank of credits for road projects.

NOW, THEREFORE, BE IT RESOLVED That Custer County, Oklahoma hereby opposes the new EPA proposed regulations that would replace the 2011 interpretive guidelines they are currently following concerning the Clean Waters Act definition for "Waters of the United States".

BE IT ASO RESOLVED That Custer County, Oklahoma will support EPA and Corps regulation of traditional navigable waters only.


Custer County Board of Commissioners

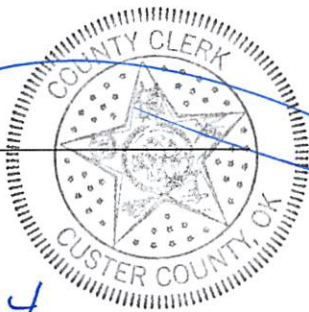

Chairman


Member


Member

ATTEST:


County Clerk



Date: 5-5-14