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The Honorable Barbara Boxer, Chairwoman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James Inhofe, Ranking Member
Senate Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairwoman Boxer and Ranking Member Inhofe:

Texas Cattle Feeders Association (TCFA) strongly opposes the Clean Water Restoration Act (S. 787). This bill would dramatically expand the federal Clean Water Act's (CWA) jurisdiction and redefine the term "waters of the U.S." by removing the requirement that such waters be "navigable. This action would result in a monumental taking and usurp the rights of state governments and private property owners.

Removing the word "navigable," from the definition would enable the federal government to regulate virtually all waters, and wet areas, within a state, including: intermittent streams, mudflats, sloughs, prairie potholes, wet meadows, playas, natural and manmade ponds including stockponds, groundwater, ditches, pipes, streets, gutters, ephemeral drainages, wet farmland, drain tiles, treatment ponds and more. Few, if any, waters would be controlled by the states if this bill were enacted.

When Congress approved the CWA in 1972, they clearly intended to include the term "navigable" in the definition of "waters of the U.S." The term preserves a critical balance of power with the states, and deletion of the term "navigable" from the statute would call into question state responsibility for land and water decisions. This bill would actually inhibit the authority of state and local governments and private property owners to locally manage land and water resources.

This legislation would establish overbearing and unnecessary regulation of water that would produce little, if any, environment benefit at great cost to farmers, livestock producers and the nation's economy. The one size fits all approach to water regulation in S. 787 is unreasonable. It would be far more effective to identify those specific waters that need additional federal protection and enact targeted amendments to the CWA or other appropriate federal laws to meet those needs.

TCFA fully supports efforts to keep our waters safe and clean, including protection and regulation of navigable waters of the United States under the CWA. However, we adamantly oppose S. 787 and other legislation that attempts to give the federal government regulatory authority over all waters and wet areas.

Sincerely,

Ross Wilson
President & CEO