

**Association of Fish & Wildlife Agencies
Association of State and Interstate Water Pollution Control
Administrators
Association of State Floodplain Managers
Association of State Wetland Managers
Coastal States Organization
Environmental Council of the States**

June 10, 2009

The Honorable Barbara Boxer
112 Hart Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senator Boxer:

We have reviewed the compromise language for the Clean Water Restoration Act that your staff and the offices of Senators Baucus and Klobuchar reached as of June 10, 2009. We endorse this approach to solving the nation's Clean Water Act jurisdictional issues.

We believe that the clarified definition of "waters of the United States" will achieve a definitive return to the Act as it was without increasing or reducing the scope of its jurisdiction. The exemptions for agriculture, silviculture and other activities would remain in place. Further, we believe that the compromise language's reliance on the previous regulatory definition and interpretations of it neither broadens or lessens federal authority, nor causes a loss of states' rights. We note that the compromise language makes findings that assert that "ground waters" and certain manmade artificial waters are not included in the jurisdiction of the Act. Also, the compromise language explicitly grounds these Clean Water Act protections within the scope of Congress' constitutional authorities.

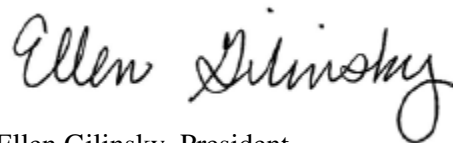
We strongly encourage Congress and the Administration to continue to work together to make State Assumption of Section 404 a viable option, as it is for other sections of the Act. Primarily, a new authority is needed that authorizes US EPA to provide states with grants to implement wetlands protection programs.

We are hopeful that the bill will pass out of committee and be enacted by the Senate at its earliest opportunity. Thank you for considering our views.

Sincerely,



R. Steven Brown, Executive Director



Ellen Gilinsky, President
Association of State and Interstate
Water Pollution Control Administrators
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Environmental Council of the States (ECOS)



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