

**CITY AND BOROUGH OF SITKA**

**RESOLUTION NO. 2014-17**

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA OPPOSING THE NEWLY PROPOSED RULE ON THE DEFINITION OF WATERS OF THE UNITED STATES UNDER THE CLEAN WATER ACT**

**WHEREAS**, the proposed "Waters of the U.S." rule may increase the number of Sitka's maintained public infrastructure conveyances, such as water quality, bulk water sales, roadside ditches, floodwater and storm water that would fall under federal authority; and

**WHEREAS**, the proposed rule would amend the definition of waters of the U.S. in the Clean Water Act (CWA). Enacted in 1972, which would adversely affect Sitka and our ability to market and sell bulk water; and

**WHEREAS**, the proposed rule would give the federal government jurisdiction over CBS and State of Alaska waters. The cost impact to comply by completing all the needed permits, perform maintenance and required water monitoring would be substantial and the potential penalty(s) for not complying would also pose a financial hardship on the CBS; and

**WHEREAS**, the proposed rule would increase the asserted scope of CWA jurisdiction, in part due to a declaration that some types of waters are categorically jurisdictional, and by application of new definitions which are ill-defined, extremely broad, ambiguous, and prone to abuse, and

**WHEREAS**, the CBS provides essential water, wastewater and storm water control services to our community and the proposed rule could serve to impose additional regulatory burdens on our community without any concomitant environmental benefits; and

**WHEREAS**, the proposed rule uses U.S. Environmental Protection Agency's (EPA) draft report on Connectivity of Stream and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence, is currently undergoing review by EPA's Science Advisory Board, as a scientific basis for the new definition; and


**WHEREAS** while the proposed rule aims to clarify confusion over Section 404 jurisdiction in the field stemming from several U.S. Supreme Court decisions, the definitional change applies to all CWA programs, not just the Section 404 permit program and impacts nine regulatory programs, including Section 402, which establishes the nation's storm water management program and Section 401, which governs water quality certifications

**THEREFORE, BE IT RESOLVED**, that the Assembly of the City and Borough of Sitka, Alaska by this resolution opposes the proposed rule on the definition of "Waters of the United States" under the Clean Water Act.

**PASSED, APPROVED AND ADOPTED** by the assembly of the City and Borough of Sitka, Alaska on this 14th day of October, 2014.

  
Mim McConnell, Mayor

ATTEST:

  
Colleen Ingman, MMC  
Municipal Clerk

- Send an official comment letter to the agencies on the proposed rule. NACo has prepared long and short draft comments for counties
- Reach out to your Senators—Urge them to support H.R. 5078, the Waters of the U.S. Regulatory Overreach Protection Act of 2014, or any bill or legislative vehicle that would delay the proposed rule until local government concerns are addressed
- Educate your city and state officials and staff on the proposed rule
- Write an op-ed or letter to the editor
- Pass a county resolution

## Submitting Written Comments

Written comments to EPA and Corps are due no later than November 14, 2014. NACo has prepared draft long and short draft comments for counties. If you submit comments, please share a copy with NACo's Julie Ufner at [jufner@naco.org](mailto:jufner@naco.org) or 202.942.4269.

Submit your comments, identified by **Docket ID No. EPA-HQ-OW-2011-0880** by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments
- **E-mail:** [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Include EPA-HQ-OW-2011-0880 in the subject line of the message
- **Mail:** Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0880.

## NACo Resources on "Waters of the U.S."

- NACo's information hub on "Waters of the U.S."— this site includes a comprehensive analysis of the proposed rule, draft long and short comments, guidance on submitting an op-ed, suggested social media posts, sample county resolutions and links to other information about the proposed rule
- NACo's policy brief and comparison chart on "Waters of the U.S."

If you have any questions or comments, please contact NACo Associate Legislative Director Julie Ufner at [jufner@naco.org](mailto:jufner@naco.org) or 202.942.4269.