

RESOLUTION NO.7 of 2014

**OPPOSING EXPANSION OF FEDERAL CONTROL
UNDER THE CLEAN WATER ACT**

Trustee offered the following resolution:

WHEREAS, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 proposed rulemaking defining the Waters of the U.S. under the Clean Water Act, and

WHEREAS, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act, and

WHEREAS, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds, and flood plains, to the jurisdiction of the Clean Water Act, and

WHEREAS, the proposed rule change, if adopted, will cause significant economic harm to local farmers, stall the development of businesses, take control of land use for sustainable food production out of our local providers' hands, and negatively impact Village-owned and maintained infrastructure such as roadside ditches and flood-control channels, and

WHEREAS, the cost to our farms, municipalities and taxpayers will be enormous, and

WHEREAS, the New York Farm Bureau opposes the proposed rule change, and

WHEREAS, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection or "significant nexus", miles away, to a body of water currently defined as "navigable", now, therefore, be it

RESOLVED, that Village of Bergen Board of Trustees hereby strongly opposes the EPA and Corps proposed rulemaking that changes the Clean Water Act, as proposed, and be it further

RESOLVED, that the Village Administrator is hereby directed to forward a certified copy of this resolution to Senator Schumer, Senator Gillibrand, Congressman Collins, the Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Association of Counties, State Senator Ranzenhoffer, State Assemblyman Hawley, the New York State Association of Counties, and the Western New York Inter-County Association.

Budget Impact: The expansion of federal jurisdiction will add significant cost to the replacement of culverts under county roadways and residential and commercial driveways throughout the county by adding a burdensome permitting process to routine maintenance items.

Trustee seconded the resolution which was adopted by votes.