



## The Clean Water Restoration Act (CWRA) Navigable Waters vs. All Waters

*For nearly 40 years, the Clean Water Act has been responsible for extraordinary advances in improving the health of the nation's surface waters and watersheds. Not only has the Clean Water Act helped reverse the historic trend of wetlands losses, but because of this commonsense law, degraded streams and rivers have been restored.*



This commonsense law – which has helped create strong, working federal-state partnerships – continues to improve America's water quality and our environment. The Clean Water Act provides the federal government broad authority to regulate “navigable waters,” a term which the Supreme Court has already recognized as meaning waters beyond where navigation actually occurs.

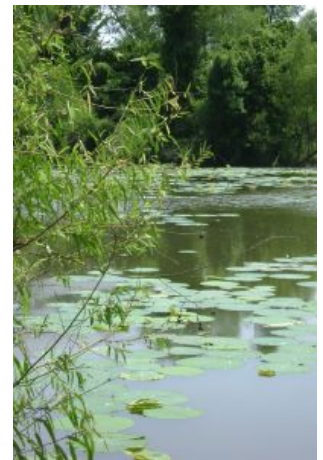
However, Congress is now considering legislation to change the Clean Water Act called the Clean Water Restoration Act (CWRA). The CWRA could undermine the federal-state partnership created by the Clean Water Act, giving the federal government authority over *all* water located in each state, as well as all interstate waters.

This expansion of federal power could disrupt the partnership with states originally set up by the Clean Water Act where the federal government has the authority over “navigable waters” and states were responsible for all other waters. By eliminating this strong federal-state partnership, all local water and infrastructure activities could have to *gain* Washington's permission.

### **The CWRA Could Compel EPA and the Corps to Regulate “All” Water.**

Proponents say that this legislation will only “clarify” the Clean Water Act; however, the CWRA would actually expand federal power, granting Washington – not individual states and local communities – jurisdiction over “all” waters.

Since the ordinary meaning of the word “all” is “every,” “as much as possible,” or “every member or individual component,” changing the Clean Water Act in this manner could have huge implications for landowners, businesses, and local communities throughout the nation. Because courts could direct the Environmental Protection Agency and the U.S. Army Corps of Engineers to follow the plain language of the statute, **this legislation could extend the federal government's reach to all waters of the United States or virtually all wet areas – and even some dry ones -- throughout the country.**



### **Action on the CWRA.**

Unfortunately, some in Congress are working to pass the CWRA. In fact, the Senate Committee on the Environment and Public Works recently approved the CWRA, forwarding legislation that could undermine the strong state-federal partnerships that continue to keep our water safe and secure.