



Maintain State Control over State and Local Water Resources

Producing the coal, metals and minerals that are critical to America's economy and national security takes an extraordinary amount of time, money and planning. Obtaining the necessary permits in a timely manner is critical to the success of mining projects and the rural communities they support. Our ability to compete in today's worldwide mineral and energy markets in large part depends on an efficient regulatory program.

The "America's Commitment to Clean Water Act" (H.R. 5088) sponsored by Rep. James Oberstar (D-MN) and the similar "Clean Water Restoration Act" (S. 787) sponsored by Sen. Russ Feingold (D-WI) in the Senate, expands federal jurisdiction to areas never before considered within the purview of the federal government. Expanding the scope of federal waters will result in a more encumbered and overly burdened Clean Water Act (CWA) permitting program.

Consequently, the Women's Mining Coalition members, and the American public, have a strong interest in maintaining the important federal-state balance struck by the original CWA.

Any legislative effort to clarify the scope of the CWA should, at a minimum, be based on the following principles:

- Maintain the distinction between federal and state waters by retaining the term "navigable waters."
- Adhere to the fundamental principle that states retain primary jurisdiction over water and land use within their individual boundaries.
- Clarify jurisdiction without expanding it. Jurisdiction should be clear, unambiguous, and practical.
- Define important terms used in the CWA. Since passage of the CWA in 1972, the regulated community, and even the Supreme Court, has requested definitions of key terms like "tributary," "adjacent," "impoundment," and "traditional navigable waters."
- Avoid creating more confusion and encumbrances.

WMC urges members of Congress to oppose H.R. 5088 and S. 787. WMC supports jobs creation and these two bills will result in lost jobs and revenue for communities, states and the Nation.