

March 23, 2012

The Honorable Robert Hurt
United States House of Representatives
1516 Longworth House Office Building
Washington, D.C. 20515

Dear Rep. Hurt:

On behalf of the American Farm Bureau Federation, I would like to sincerely thank you for all your hard work on behalf of farmers and ranchers. Farm Bureau commends you for your introduction of the *Preserving Rural Resources Act*. This bill would reinforce the agricultural exemptions granted to farmers and ranchers by Congress in Section 404 of the Clean Water Act (CWA). The Environmental Protection Agency (EPA) and the Army Corps of Engineers (the Corps) have systematically eroded the ability of farmers and ranchers to use the congressionally authorized exemptions for normal farming, silviculture and ranching activities; maintenance of structures; and construction and maintenance of farm ponds, sedimentation basins, and farm and forest roads. Examples of how EPA and the Corps have narrowed these important exemptions include: 1) stopping farmers and ranchers from building farm ponds for stock watering and irrigation; 2) regulating the equipment farmers use to plow and regulating how deep they plow; and 3) preventing farmers and ranchers from rotating their use of their private land between pasture, row crop and tree crop enterprises.

There are also legal cases where individual agricultural, forestry and ranching operations have had to go to the expense of going to court to justify to regulators their use of congressionally authorized exemptions. The manner in which EPA has approached this issue clearly demonstrates a disregard for the intended meaning of the Section 404(f) exemption. Unelected EPA staff should not be allowed to erode important exemptions so clearly intended by Congress. Farm Bureau is truly appreciative of your efforts to address this critical issue.

As EPA prepares to finalize a guidance document that increases regulatory uncertainty and imposes significant regulatory burdens on private landowners, it is important to reaffirm and clarify the Section 404(f) exemptions. Without these important exemptions, agriculture, forestry and ranching will face significantly more federal regulatory and permitting burdens, compliance costs, delays, and constraints on use of land for the production of food, fiber and fuel. This proposed guidance significantly expands the scope of “waters of the U.S.” and will have broad and costly implementation throughout all CWA programs, including Section 303, 311, 401 and 402. Therefore, it is extremely important to prevent EPA and the Corps from narrowing the CWA exemption Congress explicitly intended. Farm Bureau applauds the introduction of this legislation and will work closely with you to assure its swift consideration.

Sincerely,



Bob Stallman
President