



June 17, 2008

The Honorable Russ Feingold
United States Senate
506 Hart Senate Office Building
Washington, DC 20510-4904

**SUBJECT: S 1870 (FEINGOLD) CLEAN WATER RESTORATION ACT OF 2007
OPPOSE**

Dear Senator Feingold:

The California Chamber of Commerce (CalChamber) respectfully **OPPOSES** your **S 1870**, which would inappropriately expand the scope of the Clean Water Act provisions by replacing key language in existing federal law with overly broad language.

Provisions in the **Clean Water Restoration Act of 2007** expand the scope of Environmental Protection Agency regulations to include virtually all waters in the United States, regardless of size or function, and all activities near, adjacent or connected to these waters in any way. Many of these provisions are so broad that they create legal ambiguities for implementation and enforcement. For instance, elimination of the term "navigable" produces more questions than answers as to which bodies of water are regulated. Instead of greater environmental protection, S 1870 will likely create a wave of new litigation tying up legitimate use of private property for years.

CalChamber also believes that S 1870 oversteps the constitutional powers granted to Congress under the interstate commerce clause and intrudes on the right of the states to regulate and control water use. Redefining waters to include "all intrastate waters" poses a significant departure from the traditional role of the states to regulate their own water resources. Enactment of this legislation will cause mass confusion for regulators as well as land owners.

For these reasons CalChamber is respectfully **OPPOSED** to your **S 1870**.

Sincerely,

Valerie Nera
Policy Advocate

VN:fg