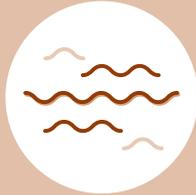


Clean Water Regulation that's Clear

THE NAVIGABLE WATERS PROTECTION RULE

Both the U.S. Constitution and the Clean Water Act place limits on federal authority over waters, and Congress has declined to alter the careful balance struck between federal and state water regulation.



The Clean Water Act was intended to provide both vital environmental protections for our nation's waterways, and the regulatory certainty necessary for investment and a thriving economy. The EPA's Navigable Waters Protection rule draws clear lines for the regulated public with clear delineations between state and federal waterways.

The EPA and the U.S. Army Corps of Engineers wisely addressed a deeply problematic regulation that completely ignored the balance between federal and state water regulation, and constitutional limits on federal authority.

- **The prior rule created confusion.** Contrary to the stated purpose of the rulemaking, it failed to provide much needed clarity as to which waters are federally regulated. Rather than provide clear delineations between state and federal waterways, the rule provided federal regulators with expanded authority to regulate marginal waters while calling into question the status of areas never before subject to federal jurisdiction. The result: increased confusion that would have led to additional costs, delays and financial risks for nearly every sector of the economy, including the mining industry.
- **The prior rule inhibited economic growth.** By federalizing our nation's waters and public and private lands, the rule would have had a dramatic negative impact on job creation and economic investment and growth. Many new projects would become cost-prohibitive, and existing lawful operations would be subjected to increased permitting requirements, delays, undue litigation threats and even potential closures.