



.....**STRAIGHT FROM THE HORSES MOUTH**

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It has been a while since I commented on a subject that I think all of us in agriculture need to be very cognizant and active on. For you that are unaware on this past June 29, the Environmental Protection Agency formally published its Waters of the United States (WOTUS) rule in the Federal Register. The EPA took comments from the public before making their final rule, but I cannot see that they changed anything. I still feel that this rule could have devastating effects on our farmers and ranchers. Even though the EPA says that this is its final ruling. We still have the opportunity to try to bring some common sense to this ruling through our US Senators and Representatives. Unfortunately the clock is now ticking to stop the adoption of this detrimental rule which could greatly increase regulation under the Clean Water Act if it goes into effect.

There are only about 45 days that we can still have a voice, but you must take action if you are concerned about this overreach of the EPA into your farm or ranch. Get the facts on this controversial rule and then contact your US Senator or Representative, work with and utilize your chosen farm group that are fighting this rule like the Nebraska and National Cattlemen, Nebraska and American Farm Bureau plus many other groups. I am particularly pleased with a group called "Common Sense Nebraska, which is a Nebraska-based coalition consisting of organizations and entities that have come together in response to EPA's "Waters of the United States" proposal. The coalition's purpose is to build awareness and understanding of the EPA proposal and the impacts it would have on Nebraskans. The list of Nebraska organizations that belong to this group can be found on their Facebook page at "Common Sense Nebraska." I also encourage people to utilize the information on the "Ditch the Rule" effort. This can be found on the internet at: <http://ditchtherule.fb.org/>

I have actually looked at the EPA documentation. The lengthy WOTUS rule spans almost 300 printed pages and I find it downright scary. Even with all those words, I firmly believe that the rule fails to clarify the EPA's jurisdiction, but instead relies on ambiguous language that actually in my mind "muddies the waters." While riddled with problems, the greatest issues with the rule lie in the added definitions of "tributaries" and "nearby waters" as protected areas. The definitions are complex and unclear. Failure to precisely define these terms means the EPA could regulate dry ditches or ephemeral streams, which only hold water after a heavy rain. I think many of us could find those areas very easily!

What worries me is that the ambiguity included in this rule could very well prevent farmers from working their land due to EPA regulations, and result in unnecessary rules that farmers must get a permit from the EPA to do simple but timely things. And we know how fast they work. The EPA, in my opinion, has made numerous misstatements about the content and impact of this rule and quite frankly I don't think any of us should trust them. I know that is not "politically correct" but it is what it is. Why color it any other way? We have too much at stake with this ridiculous rule. This should not be worrisome to just Nebraskans or farmers, this should be of great concern for U.S. homeowners who spray to kill weeds in their lawns or gardens. It should concern construction companies and workers that move dirt to build houses or businesses.

One thing that I have determined over the years is that many of our federal agencies, and in particular the EPA, are lacking in common sense or any cognizance of what all is entailed in our farms and ranchers across this great country. Good common sense dictates that this should not be allowed under the Clean Water Act, an act implemented to protect water, not dictate land use. The EPA claims it addressed farmers' concerns by saying it does not plan to regulate ditches or ephemeral streams. But when dealing with federal regulations, a spoken assurance carries no weight. The words used in the rule do, and those words are vague. One thing I know and take exception to these bureaucrats - farmers and ranchers care for the environment. We want clean water for our crops and animals but most importantly, we want clean water for our families. However, we also want to provide for our family members and meet the challenge of providing food, clothing and shelter for the world. That means we must be allowed to work in our fields to raise our crops and livestock in the most environmentally friendly way possible. I think these groups forget that the very first environmentalists were and are farmers!

Governor Ricketts has also spoken out on this issue. "In spite of concerns from numerous Nebraskans about its impact, the EPA has issued the new Waters of the U.S. regulation that will be harmful to Nebraskans. Federal regulations that needlessly place a new burden on Nebraska farms and businesses, while increasing costs for counties and other local governments, create new hurdles to growing Nebraska's economy." Nebraska US Senator Deb Fischer said the rule is "an attack" on the people of our state, calling it a "reckless and unwarranted" regulation that "implies that Washington bureaucrats know better than the people of (Nebraska). Through this unprecedented overreach, the federal government will now extend their control over our state's water resources and burden our families with costly permit requirements." Thank you to Senator Fischer!

I feel it is imperative that we encourage all U.S. Senators and our Congressmen to make it their priority to stop the WOTUS rule. Because of the importance of this issue, our representative, Adrian Smith has introduced H.J.Res 59, which would provide Congressional disapproval for the overreaching regulatory rule stated by the EPA and the USACE, under the Congressional Review Act. I am glad to see this and I hope you will support Congressman Smith's and Senator Fischer's efforts, but we need many more voices and it cannot be put on the back burner. Luckily, there is still time to prevent the EPA from adopting the WOTUS rule, but that action must come from Congress or the courts. Don't wait – Act!!

The preceding information comes from the research and personal observations of the writer which may or may not reflect the views of UNL or Nebraska Extension. For more further information on these or other topics contact D. A. Lienemann, Nebraska Extension Educator for Webster County in Red Cloud, (402) 746-3417 or email to: dlienemann2@unl.edu or go to the website at: <http://www.webster.unl.edu/home>