

RESOLUTION NO. _____ - 14

**A RESOLUTION TO OPPOSE EXPANSION OF FEDERAL CONTROL UNDER
THE CLEAN WATER ACT**

WHEREAS, the City of Colorado Springs remains dedicated to both the preservation of the quality of the waters upon which we all depend, as well as a greater measure of certainty in the permitting processes associated with the use of those water supplies; and

WHEREAS, the City of Colorado Springs will continue to cooperate closely with both State and County leaders to implement appropriate regulation to promote clean water in all waterways and good public health and safety in our communities; and

WHEREAS, the regulatory changes to the definition of “Waters of the United States” as currently proposed by the United States Environmental Protection Agency (“EPA”) and the United States Army Corps of Engineers would expand the historical scope of federal jurisdiction; and

WHEREAS, the proposed “Waters of the United States” rule, as currently proposed, will impose additional regulatory burdens on local communities and economies without any demonstrated long-term environmental benefits; and

WHEREAS, many of the swales, isolated waters, normally dry arroyos, washes, ditches and ephemeral or intermittent water bodies common in the arid West would become the subject of federal oversight; and

WHEREAS, such federal oversight could unnecessarily interfere with the ability of local communities to construct and operate necessary water storage, conveyance and treatment infrastructure, as well as wastewater collection and conveyance and electric transmission infrastructure; and

WHEREAS, the City of Colorado Springs demands the use of stormwater BMPs, including retention/detention facilities, to minimize erosion and control stormwater flows, with such activities usually occurring in locations where excess runoff naturally occurs, i.e. swales, normally dry arroyos, washes, ditches, ephemeral or intermittent streambeds, etc.; and

WHEREAS, in order to construct and maintain such stormwater facilities, the proposed changes would significantly increase the time and costs associated with regulatory permitting processes, as there is no stormwater exemption in the proposed changes; and

WHEREAS, to the extent that isolated waters, intermittent or ephemeral streams, or "all" tributaries become jurisdictional, it will impede the ability to timely respond to the devastating impacts of forest fires that occur in the arid areas of the western United States; and

WHEREAS, the proposed rule would further complicate the permitting and approval process, negatively impacting the ability of local jurisdictions to timely and cost effectively respond to the above challenges; and

WHEREAS, the current regulations, policies and practices provide incentives to project proponents to develop alternatives that avoid impacts on traditional navigable waters and wetlands, thereby protecting significant environmental resources and functions, while adoption of the proposed rule would negate those incentives.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. That the City Council of the City of Colorado Springs strongly opposes the adoption of the proposed regulatory modifications to the definition of "Waters of the United States", as they unnecessarily expand the scope of federal jurisdiction under the Clean Water Act, expose local communities to unwarranted, additional enforcement, and impede the construction and operation of essential public infrastructure; and

Section 2. That the City Council of Colorado Springs shall forward a certified copy of this resolution to the United States Environmental Protection Agency, the United States Army Corps of Engineers, Governor John Hickenlooper, United States Senator Michael Bennet, United States Senator Mark Udall, and Congressman Doug Lamborn.

DATED at Colorado Springs, Colorado, this _____ day of _____ 2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk