

RESOLUTION NO. 14-__

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA OPPOSING THE PROPOSED UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND ARMY CORPS OF ENGINEERING RULEMAKING TO REDEFINE WATERS OF THE UNITED STATES

WHEREAS, Leon County is dedicated to protecting and improving the county's natural resources and the quality of life of its residents; and

WHEREAS, Leon County acknowledges the progress achieved under the Clean Waters Act in protecting water quality; and

WHEREAS, the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) have proposed a new rule that would redefine "waters of the United States", which is a key and fundamental operative component of the *Clean Water Act* of 1972; and

WHEREAS, the proposed definition of "waters of the United States" goes beyond the traditional "navigable" standard which has been precedent for several years, adding new scope to the definition such as "adjacent waters", "significant nexus", "riparian area", "neighboring", and other criteria that are not sufficiently defined and left open for interpretation; and

WHEREAS, local jurisdictions are already mandated to protect and maintain flowage ditches, storm run-off, and irrigation infrastructure through existing regulations; and

WHEREAS, the proposed rule would not only significantly interfere with Leon County's home-rule authority but mandates onerous permitting requirements on local governments; and

WHEREAS, the United States Supreme Court previously reprimanded the EPA and Corps for overreaching their authority and Congress has recently voiced their concern of this proposal to redefine federal powers under the Clean Water Act.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Leon County, Florida, that:

1. Leon County opposes the overreaching definition of "waters of the United States" proposed by the EPA and Corps that unnecessarily puts undue burden on local governments, through onerous permitting requirements.
2. This resolution shall take effect immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 23rd day of September 2014.

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
BOARD OF COUNTY COMMISSIONERS

ATTEST:

BOB INZER, CLERK OF THE CIRCUIT COURT AND COMPTROLLER
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

BY: _____
Herbert W. A. Thiele, County Attorney