



## Mount Olive Chronicle

# Environmentalists blast Frelinghuysen and Lance for vote that would cut wetlands protection

**Congressmen say action would block federal 'land grab'**

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*By PHIL GARBER STAFF WRITER*

Protection of wetlands is a long tradition in the Frelinghuysen family but Rep. Rodney Frelinghuysen, R-11, covering Morristown, Morris Township, Morris Plains, Hanover Township and East Hanover is now being accused of supporting legislation that could reduce protection of sensitive wetlands.

And Frelinghuysen's colleague in a neighboring district, Rep. Leonard Lance, R-7, covering Roxbury Township and others, while also known for his pro-environment positions in the past, also voted in favor of the legislation.

The two were among the large majority of Republicans who voted on Sept. 9 in favor of the H.R. 5078, the "Waters of the United States Regulatory Overreach Protection Act of 2014."

The bill has the strong backing of the farm lobby and was drafted in response to a rule proposed by the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers to clarify aspects of the federal Clean Water Act.

If passed by the Senate, the bill will prohibit the EPA and Army Corps of Engineers from "developing, finalizing, adopting, implementing, applying, administering, or enforcing" the proposed rule.

Supporters of H.R. 5078 claim the EPA proposed rule would be a major "power grab" by the federal government, would extend government controls and be costly and unnecessary.

But the EPA and supporters of the proposal said it would not expand jurisdiction but was only

drafted in response to calls for clarity of the Clean Water Act.

The White House has objected to H.R. 5078 claiming it would “derail” efforts to clarify the scope of the Clean Water Act.

The EPA issued a lengthy response to H.R. 5078, titled “Ditch the Myth.”

It said the EPA rules “cuts through red tape to make normal farming practices easier while also ensuring that waters are clean for human health, communities, and the economy.”

The House bill passed 262 to 152, with 227 Republicans in favor and one opposed and 35 Democrats in favor and 151 opposed.

### **Criticism**

Julia Somers of Harding Township, director of the N.J. Highlands Coalition, said Frelinghuysen has long supported legislation to protect wetlands and in particular, the Great Swamp National Wildlife Refuge in Harding.

Frelinghuysen’s late father, Rep. Peter H. B. Frelinghuysen Jr., led the successful fight in 1959 to block construction of a fourth metropolitan airport that had been proposed for the state’s Great Swamp wildlife area.

Local citizenry is an unprecedented show of civic engagement blocked the government’s aims for a new airport and the area was later dedicated as a national wildlife refuge.

Somers said Lance also has a reputation for supporting wetlands protection.

“The Frelinghuysens have a long history of protecting wetlands,” Somers said.

“Why he (Rep. Frelinghuysen) would support this legislation does not make any sense given his history. Both representatives have supported wetlands protection. Support of this (H.R. 5078) flies in the face of that.”

Somers said the EPA proposal was crafted after many groups across the country, including the farm lobby, asked that the rules about protected wetlands be clarified.

“Some parts of the agricultural community don’t want to know what is wetlands because then they’ll be regulated,” Somers said.

She also said that the campaign against the EPA rules have “seriously misrepresented” the EPA’s intentions.

Somers said it was ironic that H.R. 5078 was introduced by Rep. Steve Southerland, R-Fla., where the state has significant wetlands and shorelines.

She also said the bill has not been closely followed in New Jersey’s environmental community because New Jersey is one of only two states in the entire country that regulates wetlands.

The other states are regulated by the EPA and Army Corps.

### **State Responsibility**

Frelinghuysen said the EPA proposal would damage the Clean Water Act.

“For more than 40 years, America’s waters have been made safer under the Clean Water Act by a balanced federal-state partnership which recognized that not all waters are subject to federal jurisdiction,” Frelinghuysen said in a statement.

“Under this cooperative arrangement, the states have the primary responsibility for regulating waters within their own borders.

“But, now, after decades of success, the EPA has decided to rewrite the Clear Water Act under the guise of clarifying federal jurisdiction. \Under its proposed new rule, the EPA would be able to claim jurisdiction over almost every body of water in the entire country.

“So, along with the bays and rivers, EPA’s grip will extend over streams, ponds, ditches, and even storm water runoff.”

Lance also forwarded a May 1 press release issued by Rep. Chris Collins, R-N.Y., that represented Lance’s and his fellow Republicans’ position on H.R. 5078.

Collins said the members of congress want the EPA and Army Corps of Engineers “to back off its plan to expand federal control under the Clean Water Act (CWA).

Both agencies are seeking a rule change to give the federal government more authority by expanding the already overly broad definition of “navigable waters” under the CWA.”

The press release included the signatures of 231 groups, from the American Farm Bureau Federation and National Cattlemen’s Beef Association to the National Chicken Council and

National Corn Growers Association. Others in favor of the legislation range from the U.S. Chamber of Commerce, National Association of Realtors and the American Society of Golf Course Architects to The Fertilizer Institute and The Independent Petroleum Association of America.

The GOP release said the EPA's proposed rule would redefine the scope of federal power under the Clean Water Act.

"This would put features such as ditches, natural or man-made ponds, flood plains, and prairie potholes, among others, under federal control," the release said. "EPA's overreach is already causing real harm for farmers and stalling business development across our country."

In the release, Rep. Lamar Smith, R-Texas, said the EPA proposal would be the largest expansion of federal regulatory power in U.S. history.

"The American people do not want the EPA invading their back yards," Smith said.

"Yet that's precisely what will happen under the EPA's expansion of the Clean Water Act."

In its response to H.R. 5078, the EPA said its proposed regulations would not grant the government greater power over water on farms and ranches.

"Waters that have never been protected remain outside the scope of the Clean Water Act, and the rule protects fewer waters than prior to the Supreme Court cases," said a response by the EPA.

The response said the proposed rule will not bring all ditches on farms under federal jurisdiction.

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