

AGENDA ITEM #20 RECEIPT OF AGENDA ITEMS FOR FUTURE COURT MEETINGS

No items presented.

AGENDA ITEM #21 IN THE MATTER OF PUBLIC COMMENT

No one was present to address the Court.

AGENDA ITEM #11 IN THE MATTER OF COCHRAN COUNTY RESOLUTION

**MOTION** was made **COMM. DUNN** and seconded by **COMM. SIMPSON** to accept the Resolution concerning the USEPA's water rule. Motion carried.

COCHRAN COUNTY RESOLUTION

WHEREAS, the United States Environmental Protection Agency (USEPA) and the United States Army Corps of Engineers (USACE) have proposed a new rule to define "waters of the United States" that will vastly expand the jurisdictional authority of the federal Clean Water Act (CWA), entitled "Definition of Waters of the United States" under the Clean Water Act, and

WHEREAS, USEPA and USACE have chosen to selectively interpret various Supreme Court decisions related to the jurisdictional authority of the Clean Water Act (CWA) in order to develop a new Guidance which expands their own jurisdictional authority under the CWA to include waters of the state(s) and other waters previously not regulated under either the CWA or judicial proclamation, including some ditches, farm ponds, dry waterways and isolated wetlands, and

WHEREAS, the proposed rule, if adopted will infringe upon the sovereignty of the state(s) to appropriately regulate the waters of the state(s), and

WHEREAS, the proposed rule, if adopted would require counties and special districts to obtain costly and burdensome Section 404 permits from the USACE for the construction of small bridges and culverts, and routine maintenance of some ditches, canals, and other such water conveyances, and

WHEREAS, the proposed rule, if adopted would infringe on private property rights, impairing land management activities such as urban development and agriculture production, and

WHEREAS, legislation to expand the jurisdictional authority of the CWA as described in the proposed rule has failed in the U. S. Senate, and

WHEREAS, the USEPA and USACE have been criticized by the U. S. Senate and the U.S. House of Representatives for enacting expansive rules without congressional oversight, then therefore

BE IT RESOLVED THAT Cochran County strongly opposes the proposed new rule to define "waters of the United States" in that it increases the need for burdensome and costly permitting requirements, infringes on private property rights, and circumvents the legislative process, thus, the will of the people.

BE IT FURTHER RESOLVED THAT Congress, not federal agencies, make the laws and therefore any such change in jurisdictional power of the federal government should only occur as a result of the passage of federal legislation.

PASSED this 27<sup>th</sup> day of June, 2014

Billy D. Carter  
Billy D. Carter, County Judge

Stacey Dunn  
Stacey Dunn, Commissioner Prec. 3

Donnie Simpson  
Donnie Simpson, Commissioner Prec. 1

Johnny Timmons  
Johnny Timmons, Commissioner Prec. 4

Margaret Allen  
Margaret Allen, Commissioner Prec. 2

Shanna Dewbre  
Attest Shanna Dewbre, County & District Clerk



**CERTIFICATE**  
The document to which this certificate is affixed is a full, true and correct copy of the original on file and of record in my office.  
ATTESTED: August 6, 2014  
SHANNA DEWBRE  
COUNTY CLERK  
COCHRAN COUNTY TEXAS  
BY: Shanna Dewbre