

SENATE JOINT RESOLUTION NO. 8—SENATOR RHOADS

MARCH 16, 2009

Referred to Committee on Natural Resources

SUMMARY—Urges Congress to preserve the traditional power of the states over land and water use. (BDR R-984)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Urging Congress to preserve the traditional power of the states over land and water use.

1 WHEREAS, For decades the federal Clean Water Act, as
2 supported by other federal, state and local laws, has governed our
3 nation’s waters and has helped ensure that Americans enjoy some of
4 the cleanest rivers and lakes in the world; and

5 WHEREAS, This landmark statute, further explained and clarified
6 by subsequent United States Supreme Court cases, has struck a
7 proper balance between clean water and state, local and federal
8 regulatory authority and responsibilities, while at the same time
9 recognizing and protecting the states’ primacy over water
10 jurisdiction; and

11 WHEREAS, The proposed Clean Water Restoration Act of 2007,
12 H.R. 2421 and S. 1870, and similar legislation, attempts to make
13 extreme changes to the Clean Water Act and threatens to destroy the
14 careful intergovernmental balance that has been the hallmark of the
15 law throughout its long history; and

16 WHEREAS, The proposed legislation would extend federal
17 jurisdiction over water by expanding the scope of “navigable
18 waters” to “waters of the United States”; and

19 WHEREAS, That language change would allow federal reach to
20 explicitly include “all interstate and intrastate waters and their
21 tributaries,” and this change would essentially establish under
22 federal law that all wet areas, or areas that have been wet at some
23 time, within a state would fall under federal regulatory authority,



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1 including, for example, groundwater, ditches, pipes, streets, gutters,
2 desert features and even pools and puddles; now, therefore, be it

3 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
4 NEVADA, JOINTLY, That the members of the Nevada Legislature
5 urge the Nevada Congressional Delegation and Congress to express
6 their strong opposition to any legislation that would expand the
7 reach and scope of the Clean Water Act and the United States
8 Environmental Protection Agency or the United States Army Corps
9 of Engineers; and be it further

10 RESOLVED, That the State of Nevada calls on Congress to
11 preserve the traditional power of states over land and water use and
12 avoid unnecessary alterations to the regulatory reach of the Clean
13 Water Act amendments such as the Clean Water Restoration Act of
14 2007; and be it further

15 RESOLVED, That the Secretary of the Senate prepare and
16 transmit a copy of this resolution to the Vice President of the United
17 States as the presiding officer of the United States Senate, the
18 Speaker of the House of Representatives and each member of the
19 Nevada Congressional Delegation; and be it further

20 RESOLVED, That this resolution becomes effective upon
21 passage.

