

TEXAS BISON ASSOCIATION TAKES STAND AGAINST FEDERAL WATER REGULATIONS; TBA MEMBERS URGED TO TAKE ACTION

The Texas Bison Association is asking members to help push Congress to hold a tight rein on the Environmental Protection Agency and the Army Corps of Engineers as they implement troubling new “Waters of the United States” rules.

TBA directors passed a resolution May 31 urging Congress to “take every legislative and budgetary action necessary” to control the agencies as they impose the new water regulations. TBA members attending the meeting in Fort Worth were overwhelmingly supportive of the board’s action.

The TBA resolution decried federal efforts to “expand control over private property and property owners who invest their money, their labor and their lives in protecting the lands and waters under their stewardship.”

“We are asking our members to contact their representatives and both Texas senators to tell them to put the brakes on this plan,” said TBA president Cecil Miskin. “The TBA has acted as an association, and now we need individual members to make sure their voices are heard loud and clear.”

Contact information for representatives is available at <http://www.house.gov/representatives/>. Sen. John Cornyn can be reached through his contact page at www.cornyn.senate.gov and Sen. Ted Cruz can be reached through www.cruz.senate.gov.

“There is just one talking point they need to hear: Put a stop to the new ‘Waters of the United States’ rules, and send EPA and the Corps of Engineers back to the drawing board,” Miskin said.

Thousands of farmers and ranchers — including a number of bison producers — vigorously opposed the EPA/Corps plan during the public comment period.

Critics said the agencies’ new rules, if interpreted liberally, could give them control over virtually every stream, water impoundment and drainage ditch in the nation — potentially threatening farmers’ and ranchers’ ability to manage their own lands.

The federal agencies rolled out their final 300-page report in late May despite the objections of critics, including some members of Congress who filed legislation to curtail funding of the plan.

EPA issued the following statement as regulators sought to alleviate farmers’ and ranchers’ concerns:

“ Feedback from the agricultural community led to several improvements in the final Clean Water Rule:

- Defining tributaries more clearly. The rule is precise about the streams being protected so that it could not be interpreted to pick up erosion in a farmer's field. The rule says a tributary must show physical features of flowing water — a bed, bank, and ordinary high water mark — to warrant protection.
- Providing certainty in how far safeguards extend to nearby waters. The rule sets limits on covering nearby waters that for the first time are physical and measurable.
- Focusing on streams, not ditches. The rule limits protection to ditches that are constructed out of streams or function like streams and can carry pollution downstream. So ditches that are not constructed in streams and that flow only when it rains are not covered.”

TBA leaders said they remain concerned about agency overreach despite the agencies’ assurances.

“There are thousands of dry washes in Texas and other western states that carry water only a few minutes every five or 10 years, but they have defined beds and show evidence of a ‘high water mark’ from flash flooding. Based on the EPA’s statement, it appears the federal government intends to regulate these arroyos as ‘waters of the United States,’ which would be laughable if it weren’t such a serious matter,” said Cecil Miskin.

TBA officials were not alone in their concern. The Texas Wildlife Association also has issued a call to action, asking its members to contact their members of Congress and urge them to stop implementation of the rule.

The American Farm Bureau Federation called the original proposed plan a “land grab.” The farm group said the rule-making process was “tainted” by EPA’s public relations campaign during the public comment period, and AFBF president Bob Stallman was blunt in his assessment of the process:

“Based on EPA's aggressive advocacy campaign in support of its original proposed rule — and the agency's numerous misstatements about the content and impact of that proposal —we find little comfort in the agency's assurances that our concerns have been addressed in any meaningful way," Stallman said.

Legal experts say the new water rules will likely spawn lawsuits from private interests as soon as enforcement begins. Agriculture groups are expected to among those mounting the legal challenges.

Below is a copy of the resolution passed by the TBA board.

RESOLUTION OF THE TEXAS BISON ASSOCIATION BOARD OF DIRECTORS

WHEREAS the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers are currently implementing their “Waters of the United States” rules, the preparation of which raised an understandable outcry among agriculturists across the nation, and

WHEREAS control and management of surface water is an essential component of a successful agricultural endeavor, and

WHEREAS bison ranching is a growing segment of animal agriculture in Texas, which has more bison producers than any other state, with an overwhelming majority operating on privately owned lands, and

WHEREAS weather fluctuations are acute in Texas, which can experience drastic meteorological shifts from debilitating drought to catastrophic flooding in less than a season, as has occurred over just the past two weeks, and

WHEREAS needless and burdensome governmental regulations pose a significant threat to bison producers struggling to deal with such calamities, should these regulations delay or prohibit producers from undertaking essential, timely and cost-effective water management actions, and

WHEREAS the federal government has aggressively expanded its regulatory and licensing reach over the past 50 years, thereby exacerbating difficult economic challenges for agriculture and contributing to the decline of the economic health of rural communities, and

WHEREAS Texas bison producers neither want nor need additional governmental involvement in their endeavors, particularly in the care and management of the water on their private property, and

WHEREAS Texas bison producers not only favor clean water but are absolutely dependent on it and stand proudly with boots on the ground among the nation’s first line of environmental defenders — American farmers and ranchers,

THEREFORE BE IT RESOLVED that the Texas Bison Association urges the United States Congress to take every legislative and budgetary action necessary to limit and control any and all federal agencies that would expand control over private property and property owners who invest their money, their labor and their lives into protecting the lands and waters under their stewardship.

Passed by the board of directors, Texas Bison Association, on this 31st day of May, 2015.