



June 11, 2009

Honorable Max Baucus  
United States Senate  
Washington, D.C. 20510-1103

Dear Sen. Baucus:

We understand that the Senate Environment and Public Works Committee may soon be taking up amendments to the Clean Water Act in the form of S. 787, sponsored by Sen. Russ Feingold of Wisconsin. This bill would expand the definition of “waters of the United States” as outlined in the Clean Water Act in a manner that would have a potentially harmful effect on agriculture.

We also understand you have provided alternative language that would not expand the jurisdiction of the Clean Water Act beyond the scope originally intended by Congress. As you may know, the National Association of Wheat Growers has a policy to oppose removing the term “navigable” from “waters of the United States,” and we appreciate the opportunity to continue to work with you over our concerns that removing that term may have.

Having said that, we support your amendment as an enormous improvement over S. 787 as drafted by Sen. Feingold, and we applaud your efforts to protect the interests of the agriculture industry. We particularly appreciate your codification of the exemption for “prior converted cropland,” which now is subject to the whim of federal agency rulemaking. We also appreciate the fact that your amendment ensures that the existing permitting exemptions for agriculture in the Clean Water Act remain intact. Finally, we appreciate that your amendment protects against “regulatory creep” by requiring that any rulemaking be completely consistent with the traditional scope of the statute.

We appreciate the outstanding work you are doing to protect the interests of wheat and production agriculture, and we look forward to working with you and your staff as we move forward.

Sincerely,

Karl Scronce  
President