

1 39-042022

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3 **RESOLUTION: Resolution to Support NACo's Position on Defining the Waters of the**
4 **United States (WOTUS) and Regulations with Agricultural Considerations**

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6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, the Biden Administration recently announced the signing of a proposed rule to revise the definition
8 of Waters of the United States (WOTUS); and

9 **WHEREAS**, the proposed rule expands federal jurisdiction by changing the WOTUS definition to include
10 waters that significantly affect the chemical, physical, or biological integrity of traditional navigable waters, interstate
11 waters, and the territorial seas (the "foundational waters") and waters that are relatively permanent or that have a
12 continuous surface connection to such waters; and

13 **WHEREAS**, the proposed WOTUS definition directly impacts local governments as owners and operators of
14 local infrastructure, co-regulators and stewards of the environment; and

15 **WHEREAS**, counties own and operate public safety water conveyances, stormwater municipal separate
16 stormwater sewer systems (MS4), green infrastructure construction and maintenance projects, water reuse and
17 infrastructure, and emergency management readiness; and

18 **WHEREAS**, counties may need to apply for a federal permit to maintain or build new infrastructure projects
19 such as: roads and roadside ditches, flood control channels, drainage conveyances, culverts, bioswales, vegetative
20 buffers, constructed wetlands, stormwater detention ponds, etc.

21 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
22 supports the National Association of Counties (NACo) position which advocates for a definition that is consistent with
23 traditionally navigable waters, territorial seas, their regularly flowing tributaries, and abutting wetlands.

24 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it supports clear, concise
25 language that is easy for counties to interpret without the need to hire experts or legal counsel and so that a reasonable
26 person would be able to identify that a body of water is either regulated by the federal government or by their state
27 government.

28 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby urges the
29 administration and the U.S. Congress to fully adopt the initial intent of the Clean Water Act recognizing state and local
30 authorities working together with federal regulatory agencies to protect rural, disadvantaged frontier communities, from
31 regulations adversely affecting the nation's agricultural supply chain.

32 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the County Clerk forward
33 this resolution to NACo, WCA, and all Wisconsin counties and the county administration send this resolution to the
34 Biden Administration, federal Congressional delegation, Evers Administration, and relevant stakeholder groups.

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36 Respectfully submitted by:

37 **LAND CONSERVATION COMMITTEE**

38 Committee Vote: **6-0**

39 Vote Required for Passage: **Majority Vote (board rule 7.7 does not apply because the resolution supports**
40 **NACo's position and relates to an executive branch interpretation; the resolution does not support pending**
41 **legislation, nor request legislation to be initiated to solve the issue)**
42

43 Vote Required for Passage: **Majority of Those Present**
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45 Approved by the Winnebago County Executive this ____ day of _____, 2022.
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47 _____
48 Jonathan D. Doemel
49 Winnebago County Executive