



## OFFICE OF THE GOVERNOR

RICK PERRY  
GOVERNOR

January 9, 2014

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

RE: EPA and Army Corps Draft Clean Water Act Rulemaking

Dear President Obama:

I am writing to ask you to halt further intrusion by the federal government into clearly defined states' rights related to water. The rule proposed by the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE), which would dramatically expand the scope of the Clean Water Act, is a clear violation of precedent and fails to follow provisions of Executive Order 13132 requiring consultation with the states.

EPA and USACE *Draft Guidance on Identifying Waters Protected by the Clean Water Act* is an overreach of the federal government that will have dramatic negative impacts on our state. All waters in a state belong to that state, but EPA's proposed rule, which would redefine "waters of the United States" to include essentially every body of water in Texas, is an intolerable expansion of EPA's authority to regulate Texas water.

The *Connectivity of Streams and Wetlands to Downstream Waters* study used in EPA's draft rule has not been verified by its own Science Advisory Board or reviewed by members of Congress to evaluate the scope and impact this rule could have on states. This draft rule is a perfect example of your administration's overstepping its authority without the appropriate inclusion of Congress or the states.

EPA and USACE need to comply with Executive Order 13132, which protects state interests by requiring the federal government to consult with them in the rulemaking process. The Clean Water Act rulemaking process needs to ensure that the states fully participate in the drafting of rules and that state interests and property rights are protected.

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At a time when Texas is making great progress in expanding, protecting and preserving its water resources, it is imperative that this federal power grab be stopped and state authority over our resources be maintained.

Sincerely,

A handwritten signature in black ink that reads "RICK PERRY". The letters are in all caps and have a cursive, slightly slanted style.

Rick Perry  
Governor

RP:rvk

cc: Ms. Gina McCarthy, Administrator, EPA  
Lieutenant General Thomas P. Bostick, Commanding General, USACE  
Texas Congressional Delegation  
Bryan W. Shaw, Ph.D., Chairman, Texas Commission on Environmental Quality  
Mr. Toby Baker, Commissioner, Texas Commission on Environmental Quality  
Mr. Carlos Rubinstein, Chairman, Texas Water Development Board  
Ms. Mary Ann Williamson, Member, Texas Water Development Board  
Mr. Bech Bruun, Member, Texas Water Development Board  
Mr. Dan Allen Hughes, Jr., Chairman, Texas Parks and Wildlife Commission  
Mr. T. Dan Friedkin, Chairman Emeritus, Texas Parks and Wildlife Commission  
Mr. Bill Jones, Commissioner, Texas Parks and Wildlife Commission  
Mr. Dick Scott, Commissioner, Texas Parks and Wildlife Commission  
Mr. S. Reed Morian, Commissioner, Texas Parks and Wildlife Commission  
Ms. Margaret Martin, Commissioner, Texas Parks and Wildlife Commission  
Mr. Roberto De Hoyos, Commissioner, Texas Parks and Wildlife Commission  
Mr. Ralph H. Duggins, Commissioner, Texas Parks and Wildlife Commission  
Mr. James H. Lee, Commissioner, Texas Parks and Wildlife Commission  
Mr. Zack Covar, Executive Director, Texas Commission on Environmental Quality  
Mr. Kevin Patteson, Executive Administrator, Texas Water Development Board  
Mr. Carter Smith, Executive Director, Texas Parks and Wildlife Department