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October 2007

The Honorable Russell D. Feingold
United States Senate
506 Hart Senate Office Building
Washington, D.C. 20510-4904

Dear Senator Feingold:

I am writing on behalf of the National Mitigation Banking Association (NMBA) to express our support for S. 1870 the Clean Water Restoration Act of 2007.

The Clean Water Restoration Act would clarify Congressional intent as to which of our nation's aquatic resources would be protected under the Clean Water Act. The recent *Rapanos* decision and the previous *SWANCC* decision by the US Supreme Court have left the extent of the federal jurisdiction of waters of the US in question.

The NMBA is a nationwide association of private sector entrepreneurs that create mitigation projects to offset environmental impacts under the Clean Water Act. We have found that as a result of the *SWANCC* decision and the *Rapanos* decision, that local and federal jurisdictions are inconsistently regulating aquatic resources in an attempt to bridge the gap in regulation created by these decisions. This patch work of aquatic resource regulation makes it difficult both for the development community to effectively plan their projects and for the environmental community to effectively protect the resources.

The Supreme Court has pointed out that Congress needs to act to determine what aquatic resources are to be protected under the Clean Water Act. This bill would do so. We appreciate your efforts clarify this important legislation and fully support S. 1870.

Sincerely

Donald Ewoldt, President
National Mitigation Banking Association

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