RESOLUTION

of

UPPER COLORADO RIVER COMMISSION

re:

Amendments to Section 404 of P.L. 92-500,
The Federal Water Pollution Control Act Amendments of 1972

WHEREAS, the House of Representatives of the United States Congress on June 3, 1976, by an overwhelming vote of 339 to 5, did pass H.R. 9560 cited as "The Federal Water Pollution Control Act Amendments of 1976"; and

WHEREAS, the House of Representatives, by a vote of 234 to 121, almost a two to one majority, did incorporate into said H.R. 9560 an amendment to section 404 of P.L. 92-500 by Congressman James Wright of Texas which defines the terms "navigable waters" and "adjacent wetlands"; limits application of the Federal permit program to navigable waters and contiguous or adjacent wetlands; adds, in the interest of environmental quality, adjacent wetlands to be under the permit process of section 404 of P.L. 92-500; allows States that desire to do so to extend the Federal permit process to waters other than navigable waters or adjacent wetlands; and provides for administration of the permit process of section 404 of P.L. 92-500 by States possessing specified qualifications; and

WHEREAS, the Wright amendment confirms what appears to be the original intent of section 404 of P.L. 92-500; and

WHEREAS, the Wright amendment provides a practicable solution to the seriously, complex and unreasonably expensive problems created by the U.S. District Court for the District of Columbia in Natural Resources Defense Council v. Callaway in its interpretation of section 404 of P.L. 92-500; and

WHEREAS, the President has extended for two months the implementation of the second phase of the U.S. Army Corps of Engineers' regulatory program for disposal of dredged or fill materials to lakes with more than five surface acres, primary tributaries of inland navigable waters and nearby wetlands which was scheduled to be initiated on July 1, 1976; and

WHEREAS, the third phase of said regulatory program which will further expand jurisdiction of the Corps of Engineers to regulate discharges of dredged or fill materials into other waters, generally upstream to the headwaters, is scheduled to be initiated on July 1, 1977; and
WHEREAS, the Wright amendment to section 404 of P.L. 92-500 has nation-wide support of many diverse organizations interested in the proper conservation and utilization of the natural resources of the United States in promotion of the social, economic, environmental, and general welfare of its citizens; and

WHEREAS, enactment of the Wright amendment as soon as possible will aid in preventing the waste of money, manpower, and time by Federal, State, and local governments required to implement the second and third phases of the permit process under section 404 of P.L. 92-500:

NOW, THEREFORE, BE IT RESOLVED by the Upper Colorado River Commission at a special meeting convened at Jackson, Wyoming on July 7, 1976 that said Commission strongly supports the Wright amendment and hereby urges the United States Senate to approve S. 2710, as amended by the House of Representatives, at the earliest practicable date in the second session of the ninety-fourth Congress;

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Congressional delegations of the four member States of the Upper Colorado River Commission who are hereby requested to do everything within the powers of their respective offices to carry out the spirit and objectives of this resolution, to the Honorable Jennings Randolph, Chairman of the Committee on Public Works of the United States Senate, to members of the Subcommittee on Environmental Pollution of the Committee on Public Works of the United States Senate, and to other interested entities.

CERTIFICATE

I, IVAL V. GOSLIN, Executive Director of the Upper Colorado River Commission, do hereby certify that the above Resolution was adopted by the Upper Colorado River Commission at the Special Meeting held in Jackson, Wyoming on July 7, 1976.

WITNESS my hand this 9th day of July, 1976.

Ival V. Goslin
Executive Director