

News Release – Lee Bruner for Attorney General (R)

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For Immediate Release

Proposed Law gives federal government control over all Montana Waters “Deep enough to float a law suit”

BUTTE, MONT. -- Lee Bruner, an announced Republican candidate for Montana Attorney General, today stated that the Clean Water Restoration Act of 2007 (HR 2421/S 1870) which was introduced in the 110th Congress will take control over all waters in the State of Montana. The Clean Water Restoration Act of 2007 definition spells out a definition that is very broad and basically regulates any surface water deep enough to float a lawsuit.

Bruner, a Butte lawyer with significant environmental experience, says that this Act seeks to amend the present Clean Water Act by changing the definition of “waters of the United States” to a level beyond its Constitutional limits. The expansion is a radical response to the United States Supreme Court’s decisions limiting the Clean Water Act to:

- 1) surface waters that are navigable in fact or which could reasonably be so made, and
- 2) wetlands that have a hydrologic connection with a surface water that eventually leads to a navigable water.

Bruner said the Senate Environment and Public Works Committee, Chaired by Senator Barbara Boxer (D-CA), recently held a hearing on this law to expand the federal jurisdiction over surface waters in Montana to all waters no matter how shallow, remote or isolated. Strangely, Senator Boxer said that the current problems are the result of "activist Justices". The law, if allowed to take effect will give federal control to all surface water in Montana according to Bruner.

Bruner said that any wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and related impoundments, no matter how small, remote, unconnected to navigable waters, or where they are located will be federally regulated under this law should it be allowed to take effect.

So don’t put that fence post in an isolated remote wet spot on the ground without a review by an expensive specialist as to whether or not that spot is now a “water of the United States” subject to Clean Water Act permit requirements, and a National Environmental Policy Act review.

Bruner urges all Montanans to write their Congressional Delegates to oppose this law.

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