

Resolution 2022-4-3
Town of Omro
Winnebago County, Wisconsin

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

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

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

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

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

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

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

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

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

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

BE IT FUTHER RESOLVED by the Town Board of the Town of Omro that the County Clerk forward this Resolution to NACo, WCA, and all Wisconsin counties and the County Administration send this Resolution to the Biden Administration, Federal Congress delegation, and relevant stakeholder groups.

RESOLVED, that the Town Board of the Town of Omro does hereby approve this Resolution.

Respectfully Submitted By: The Town of Omro, Winnebago County, WI

SIGNED:



Brian Noe, Town Chairman

ATTEST:



Dana Woods, Town Clerk

Adopted: April 18, 2022