

# Thanks, D.C., but Colorado can manage its own water

By Sen. Ken Kester

Posted: 12/18/2009 01:00:00 AM MST

Here in the Intermountain West, it's often said that whiskey is for drinking and water is for fighting. If that's the case, then legislation making its way through Congress augurs a serious fight in the near future. Unlike skirmishes in the past, this will not be a fight about who gets what, and how much, from where. It will be one that pits the federal Environmental Protection Agency against Colorado's own water enforcement program here at home.

To be sure, Colorado has some of the strongest, most effective water and land use preservation and protection regulations and laws in the nation. That work starts with the Colorado Division of Water Resources, an agency within the Department of Natural Resources. Then there's the Office of Water Conservation and Drought Planning, another arm tasked to "promote water use efficiency while providing public information and technical and financial assistance for water conservation planning."

And the Colorado Water Conservation Board stands ready to jump into the fray as well, ensuring the safety of our state's major water basins and advancing a mission to "protect our water for future generations."

On the non-government side, we also have the Central Colorado Water Conservancy District and the Northern Colorado Water Conservancy Board — each watching the other, and all advancing a mission consistent with the protection and preservation of our state's vital water supplies.

Why are some in Washington so concerned about whether states like ours have the talent, treasure and technology in place to do a job we've effectively done for more than 100 years?

The Clean Water Restoration Act would fundamentally alter the way the EPA interacts with our water safety agencies in Colorado, removing the word "navigable" from the 37-year-old Clean Water Act and thus giving the federal government carte blanche control over all waters of the United States — not just the "navigable waters," a term which the Supreme Court has already recognized as meaning waters beyond where navigation actually occurs. The bill has already been introduced, considered, and voted out of the Senate Environment and Public Works Committee. Next step? The floor of the U.S. Senate. And from there: the president's desk.

Passed in 1972, the common-sense Clean Water Act has been a tremendous success, assigning the EPA and the Army Corps of Engineers the ability to regulate "navigable waters" to ensure not only that these bodies of water were protected environmentally, but that they were safe to help foster interstate commerce.

The CWRA simply seeks to "clarify" the existing law, its supporters say — but what would the removal of the word "navigable" mean in real world terms? If the CWRA were to become law, every drainage ditch, stream, pond, and run-off could be argued to fall under the federal government's heavy, regulatory hand and subjected to an overly back-logged permitting process.

A one-size-fits-all approach — one that would usurp power from local and state governments, not to mention private property owners — would be a step in the wrong direction, and would be a disaster for our state's agricultural sector especially.

States have demonstrated a strong capability to maintain and protect our waters. We are hopeful that our senators, as well as the rest of the Colorado congressional delegation, will work to protect our state from this burdensome regulatory Washington power-grab.

Colorado's government and private property owners are best suited to maintain the quality and soundness of our state's waters. We've proven that in the past. Let's hope we'll be given the chance to prove it again in the future.

*State Sen. Ken Kester represents Senate District 2.*

Read more: [http://www.denverpost.com/opinion/ci\\_14020835#ixzz0a57q3M1D](http://www.denverpost.com/opinion/ci_14020835#ixzz0a57q3M1D)