

FEB 21 2003

Green Oak Township

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GREEN OAK TOWNSHIP RESOLUTION NUMBER 11-2003

AFFIRMING DESIGNATION OF ALL SURFACE WATERS AS PROTECTED UNDER THE CLEAN WATER ACT

At a meeting of the Township Board of the Township of Green Oak, 10001 Silver Lake Road, Brighton, County of Livingston, Michigan 48116 held at the Township Hall on February 19, 2003 beginning at 7:00 p.m., Eastern Standard Time, there were

PRESENT: William Desmond, Rollin Green, William Palmer, Michael Sedlak, Frederick Seymour, and Mark St. Charles

ABSENT: Philip Berg

Michael Sedlak moved the following resolution for adoption and Frederick Seymour supported the motion.

WHEREAS: The U.S. Army Corps of Engineers and the Environmental Protection Agency have requested public input regarding issues related to what waters are subject to Federal jurisdiction under the Clean Water Act (CWA) and other laws designed to protect the environment and particularly have requested public input regarding how "waters of the United States" shall be defined *and*

WHEREAS: Clean water is essential for drinking, for recreational, industrial, commercial, and agricultural uses and for aquatic life and wildlife; and

WHEREAS: For 30 years, the Clean Water Act has played an essential role in protecting and restoring our nation's waterways; and

WHEREAS: This progress would not have been possible if the Act had not applied to all our nation's waters; and

WHEREAS: A more restrictive definition of the waters subject to the Clean Water Act would be detrimental to the health, safety, and welfare of Green Oak Township for the following reasons:

- A. Scientific studies repeatedly show the interconnectedness of surface waters, wetlands, and ground waters. Therefore, adequate protection of navigable waters relies on protection of non-navigable tributaries and adjacent wetlands; and
- B. Isolated wetlands provide essential groundwater recharge services. In recent years, Southeastern Michigan aquifer levels have been declining, negatively affecting the amount of water available for residential, commercial and industrial use; and
- C. Smaller, isolated wetlands have been shown to provide as many ecological services to the

Huron River Watershed as larger wetlands contiguous to waterbodies; and

D. Flood control is dependent on proper management of the entire watershed draining to the Huron River, and

WHEREAS: Enforcement of water protection for isolated, ephemeral, non-navigable or adjacent water bodies at the state level, without federal support under the Clean Water Act, would be inadequate because

1. Enforcement by the state of Michigan of existing water protection programs is under funded and regularly inadequate; and
2. Without the leverage provided by Clean Water Act requirements, state compliance with water protection rules would be much less likely to occur, and

WHEREAS: Green Oak Township has non-navigable waters that provide recreation for out-of-state visitors;

THEREFORE BE IT RESOLVED: That Green Oak Township affirms that the definition of U.S. waters subject to the Clean Water Act should include, in addition to traditionally navigable waters, all non-navigable tributaries, intermittent and ephemeral streams, waters that pass through man-made conveyances, and all wetlands whether or not they are visibly connected to surface waters.

THIS RESOLUTION is hereby declared to be adopted by the Board of the Township of Green Oak in a meeting thereof duly called and held on the 19th day of February 2003.


Ayes: William Desmond, Rollin Green, William Palmer, Michael Sedlak, Frederick Seymour, and Mark St. Charles

Nays: None


Absent: Philip Berg

The resolution was declared adopted by Supervisor Mark St. Charles

IN WITNESS WHEREOF, I have hereunto set my hand as such Township Clerk this 19th day of February 2003.


Michael H. Sedlak, Township Clerk

I, the duly constituted Township Clerk for the Township of Green Oak, Livingston County, Michigan, do hereby certify that the foregoing is a true copy of the resolution adopted by the Board for the Township of Green Oak on February 19, 2003.


Michael H. Sedlak, Township Clerk

it relies on the strength of the CWA. Therefore, protection of *all* U.S. waters under the CWA is critical to sustaining the social, environmental, and economic health of our watershed.

WHAT YOU CAN DO: HRWC is preparing its formal comment, which will focus on scientific data that demonstrate how the protection of these non-navigable tributaries and wetlands is critical to the health of our lakes and rivers. We encourage your community to also **take action soon, as the deadline for submitting comments is March 3rd**. In the sample resolution, we have attempted to outline points that illustrate the importance of the waters in question to your community. However, we encourage your Board or Council to add or modify this resolution as appropriate. (We have also included an optional "whereas" that links your local non-navigable waters to interstate commerce, as this presents a legal argument for defining "U.S. waters" to include any waters that affect interstate commerce.)

TO SUBMIT your resolution or comment for inclusion in the EPA Public Comment Docket, you can use **one** of the following options:

- Use the internet site established for this purpose: <http://www.epa.gov/edocket>. The Docket ID No. is OW-2002-0050. If you wish to be identified in your comment, you must include in the body of the comment your name and any other desired contact information.
- OR* • E-Mail your comment to CWAwaters@epa.gov. In the subject line, refer to Docket ID No. OW-2002-0050.
- OR* • Mail 4 copies of your comment to: Water Docket, Environmental Protection Agency, Mailcode 4101T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, ATTN: Docket ID No. OW-2002-0050.

Be sure to include the Docket ID in the first line of your comment. **Comments must be e-mailed or post-marked by March 3rd!**

For more information:

- Read the full text of the "Advanced Notice of Proposed Rule Making" and other background materials at: <http://www.epa.gov/owow/wetlands/swanccnav.html>
- View the comments already posted to the Docket at: <http://www.epa.gov/edocket>.
- See the HRWC website at HRWC.org

We understand that you have limited time to devote to this time-sensitive issue, which is why HRWC has attempted to make giving your input as easy as possible. **Please understand that the outcome of this rulemaking will affect your community and environment.** If you have additional questions or would like more information, please contact HRWC at (734) 769-5123 or via e-mail to swooley@hrwc.org.