



**Conservatives
for
Property Rights**

February 15, 2023

The Honorable Sam Graves
Chairman
Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable David Rouzer
Chairman
Water Resources Subcommittee
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Graves and Chairman Rouzer:

Conservatives for Property Rights strongly supports your resolution, H.J. Res. 27, along with the Senate companion sponsored by Sen. Shelley Moore Capito, to repeal the Waters of the United States (WOTUS) rule issued by the Biden Environmental Protection Agency and the Corps of Engineers. Thank you for your leadership on this issue.

CPR, a coalition of conservative and libertarian organizations dedicated to first principles of private property rights, emphasizes the central importance of private property in all its forms — physical, personal, and intellectual. The right to private property ranks among the unalienable rights the Founders referenced in the Declaration of Independence.

Our coalition commends H.J.Res. 27 for prioritizing the restoration of the pre-2015 interpretation of the Clean Water Act. Under the Biden WOTUS rule like its Obama predecessor, more than 60 percent of the nation's streams and millions of acres of wetlands could be swept into federal jurisdiction supposedly as "navigable waters."

This rule would compound the regulatory vagueness and expand the EPA's and the Corps's discretion far beyond what is reasonable. It is tantamount to a wholesale taking of private property without just compensation.

Moreover, this rule would eliminate the highly beneficial 2020 Navigable Waters Protection Rule. The resulting overdose of uncertainty the latest WOTUS rule would infuse forebodes extensive injury to property owners, small businesses, and anyone standing in the way of the Administrative State: lost rights, lost time and money defending their property, economic harm.

Notably, the timing of the latest WOTUS rule is curious at best. The Supreme Court has taken the case *Sackett v. EPA*. CPR joined the Atlantic Legal Foundation and the Committee for Justice as an amicus in support of the private property owners in this case. A court decision will soon be forthcoming, addressing issues relating to WOTUS regulatory takings. *Sackett v. EPA* may well invalidate the proposed WOTUS rule.

Given the legal situation and the rule's unnecessary upheaval, the Biden administration's aggressive move deserves Congress's repeal of it under the Congressional Review Act. CPR strongly support's Congress's immediate action against this threat to fundamental property rights, sending the administration a clear message.

In closing, Conservatives for Property Rights fully supports repealing the WOTUS rule by passage of H.J. Res. 27.

Sincerely,

James Edwards
Executive Director
Conservatives for Property Rights

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Dick Patten
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Jenny Beth Martin
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Paul Caprio
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cc: Sen. Shelley Moore Capito