



PRESS RELEASE

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ATTORNEY GENERAL CYNTHIA H. COFFMAN JOINS MULTISTATE LAWSUIT TO STOP FURTHER EXPANSION OF EPA AUTHORITY

DENVER—[Colorado Attorney General Cynthia H. Coffman](#) along with twelve other Western states and state agencies filed a lawsuit seeking to vacate U.S. Environmental Protection Agency (EPA) rules defining the “Waters of the United States” (WOTUS) under the Clean Water Act.

“Water is perhaps the most critical resource Colorado manages and we do it very well,” said Coffman. “EPA’s rule creates more confusion than clarity and unreasonably expands the federal government’s regulatory reach into our backyards, our farmers’ crop land, and our ranchers’ acreage.”

In the Complaint, the states contend the new definition of WOTUS violates provisions of the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), and the United States Constitution.

The States assert that the EPA’s new rule wrongly broadens federal authority by placing a majority of water and land resources management in the hands of the federal government. Congress and the courts have repeatedly affirmed the States have primary responsibility for the protection of intrastate waters and land management.

The new rule unjustifiably expands and brings numerous isolated bodies of water under the jurisdiction of the EPA and U.S. Army Corps of Engineers with the result

that landowners will have to seek additional federal permits or face substantial fines and federal criminal enforcement actions.

The case was filed in the United States District Court for the District of North Dakota. The other parties to the lawsuit are: North Dakota, Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, South Dakota, Wyoming, the New Mexico Environment Department, and the New Mexico Office of the State Engineer.

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