

August 23, 2021

VIA REGULATIONS.GOV

Damaris Christensen
Oceans, Wetlands and Communities Division
Office of Water (4504-T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Stacey Jensen
Office of the Assistant Secretary of the Army
for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0104

Attention: Docket ID No. EPA-HQ-OW-2021-0328

Re: Request for Extension of Time to Provide Written Recommendations on the Definition of “Waters of the United States” 86 Fed. Reg. 41911 (Aug. 4, 2021)

Dear Ms. Christensen and Ms. Jensen:

On August 4, 2021, the U.S. Environmental Protection Agency (“EPA”) and the Department of the Army (“Army”) (or, collectively, “agencies”) published a notice in the Federal Register providing information about their plans to revise the definition of the term “waters of the United States” under the Clean Water Act and seeking feedback from the public on several topics, including implementation of the definition; regional, state and tribal interests; environmental justice interests; and the jurisdictional tributaries and ditches. 86 Fed. Reg. 41911. The Federal Register notice stated public feedback must be received by the agencies no later than September 3, 2021.

The undersigned agricultural associations represent farmers and ranchers from across the country and many of the private sector professionals that provide them with agricultural products, services and support. Multiple generations of the agricultural community in this country have long labored individually and collectively to create and support a working agricultural landscape in the US that is the envy of the world and that today continues to provide enormous benefits to our country. Sound water conservation, management, use and control, and the water management systems this entails has been and continues to be an integral part of the efforts to create and sustain the US’s working lands. Those working lands, as well as the people and their families that operate its farms and ranches, will be directly affected by any new rulemaking to define what are waters of the US subject to federal Clean Water Act jurisdiction. We respectfully request a 60-day extension of the 30-day comment period to provide written recommendations on their perspectives on defining WOTUS and how to implement the definition as the agencies pursue future rulemaking proceedings.

We welcome the commitments made by Administrator Regan and other EPA and Army leadership to ensure that this new regulatory effort will be guided by, among other things, a

consideration of the experience and input the agencies receive from landowners, the agricultural community, governmental entities, community organizations, environmental groups, and disadvantage communities. To ensure that such engagement is indeed meaningful and that there will be a robust exchange of information, the agencies should provide more than the 30 days allotted to the comment period.

We appreciate your attention to this important issue.

Sincerely,

American Farm Bureau Federation
Agricultural Retailers Association
American Sugar Alliance
CropLife America
Illinois Corn Growers Association
Illinois Farm Bureau
Indiana Pork Advocacy Coalition
Iowa Farm Bureau Federation
Minnesota Agricultural Water Resources Council
Missouri Corn Growers Association
Missouri Soybean Association
National Association of Conservation Districts
National Association of Wheat Growers
National Cattlemen's Beef Association
National Cotton Council
National Council of Farmer Cooperatives
National Corn Growers Association
National Milk Producers Federation
National Pork Producers Council
National Sorghum Producers
Ohio AgriBusiness Association
Ohio Corn and Wheat Growers Association
South East Dairy Farmers Association
The Fertilizer Institute
United Egg Producers
U S Poultry & Egg Association
USA Rice