



National Association of Conservation Districts

September 8, 2017

Ms. Donna Downing
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

Ms. Stacey Jensen
Regulatory Community of Practice
U.S. Army Corps of Engineers
441 G Street, N.W.
Washington, D.C. 20314

Submitted via Federal Rulemaking portal: <http://www.regulations.gov>

Re: Definition of “Waters of the United States”-Recodification of Pre-Existing Rules (Docket ID No. EPA-HQ-OW-2017-0203)

Dear Ms. Downing and Ms. Jensen:

The National Association of Conservation Districts (NACD) represents the 3,000 locally-led conservation districts across the country that help millions of landowners and operators manage and protect natural resources on private and public lands. Established under state law, conservation districts are local units of government that share a single mission: to work cooperatively with the private sector and federal, state, and other local resource management agencies to provide world-class conservation assistance.

For more than 75 years, conservation districts have been leaders in locally-led efforts to ensure a clean and sustainable water supply for the nation. NACD acknowledges the successes of the Clean Water Act (CWA) over its 40-year existence. Clean water is critical to the health and viability of the urban and rural landscapes that conservation districts serve. New guidance is required to provide clarity regarding the scope of waters protected under the CWA.

On September 25, 2014, NACD leadership met with representatives of the Environmental Protection Agency (EPA). During that meeting, NACD conveyed its policy on the proposed Clean Water Rule, voicing its opposition to any increase in federal jurisdiction. The 2015 Clean Water Rule did expand federal jurisdiction. Further explanation can be found in our previous comments as noted below:

- [Unofficial comments on definition of “Waters of the United States”](#) – June 16, 2017
- [Comments on Proposed Rule defining “Waters of the United States” under the CWA](#) – October 30, 2014
- [Comments on the Interpretive Rule regarding Applicability of the Exemption from Permitting under Section 404\(f\)\(1\)\(A\) of the Clean Water Act](#) – June 13, 2014

NACD supports the Supreme Court’s recent decision to leave the management of non-navigable waters in the hands of local governments and landowners. The 2015 Clean Water Rule’s terms and definitions do not appropriately reflect the diversity of natural resources and landowners across the country, and will inadvertently decrease districts’ ability to help landowners



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implement voluntary conservation on the ground. Leveraging local governmental guidance and efforts has provided an increasingly effective model for protecting our nation's water resources.

Thank you for the opportunity to submit comments on the recodification of pre-existing "Waters of the United States" rules. We appreciate your consideration and look forward to continuing to work with both the EPA and Army Corps of Engineers on the development of a new rule that protects water quality and strengthens shared management of this critically important natural resource.

Sincerely,

A handwritten signature in black ink that reads "Brent Van Dyke".

Brent Van Dyke
NACD President