

November 30, 2021

The Honorable Radhika Fox
Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Mr. Jaime Pinkham
Acting Assistant Secretary of the Army
for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310

RE: Docket ID No. FRL-6027.4-04-OW, COE-2021-0001 (Notification of Regional Roundtable Discussions Regarding “Waters of the United States”); Request for a National Roundtable to Respond to Request Regarding Regional Roundtables

Dear Assistant Administrator Fox and Acting Assistant Secretary Pinkham:

The undersigned organizations respectfully request that you implement a virtual national roundtable to roll up regional roundtable comments and offer broader stakeholder engagement to respond to your recent request, set forth in your recent Notification of Regional Roundtable Discussions, regarding virtual regional roundtables designed to engage diverse stakeholders concerning the definition of “Waters of the United States.” We represent a diverse stakeholder community comprising agriculture, development, industrial, and state and local government organizations with a strong interest in seeing robust, transparent stakeholder engagement. Our organizations should be represented in any national slate of stakeholders and should be individually included, as is feasible using virtual platforms, in any virtual national roundtable discussion.

Objectives

A virtual national roundtable will meet the following key objectives:

- Enabling more participation and more voices in the process to ensure the agencies receive the best ideas and account for additional, differing perspectives. The flexibility of the virtual environment enables simple inclusion of more participants.
- Providing a ready-made event to receive direct feedback from regional slates that are not selected, thereby reducing possible criticism related to inclusivity.
- Affording the agencies with a capstone opportunity to build transparency and report back to the broad stakeholder communities at one time on the regional differences, outcomes, experiences, and discussion points from the regional meetings.

Proposed Scope

Our proposed national roundtable is similar to the model that the Environmental Protection Agency (EPA) utilized for recent stakeholder outreach on the lead and copper rule revisions. That effort also included a series of regional discussions followed by a concluding national event.

The proposed scope of the national meeting could include focusing on the following issues:

- Timely and predictable permitting decisions that provide greater certainty for projects that can help alleviate supply chain constraints, and meet our nation's ambitious climate, clean energy, and infrastructure objectives. These include projects to protect water quality, and build modern, resilient clean water infrastructure.
- A nationally standardized process for conducting and completing Jurisdictional Determinations across Corps Districts.
- Consistent and clear approaches for the specific water features that are included and not included (e.g., ephemeral features and ditches) under the WOTUS definition.
- Costs, impacts, and practical implications on stakeholders arising from the agencies' proposed rule, including on small businesses.
- Federal, state, and local options to protect water quality.
- Regional differences and similarities, and specific challenges and priorities of various stakeholder groups.

Building smart, modern, resilient infrastructure through innovation and responsible development that protects water quality has long been a national priority. A commonsense, workable, and predictable approach to regulation and permitting that protects water quality and promotes economic development is critical to ensure that our nation can prosper and grow sustainably and responsibly.

We stand ready to assist you as this process unfolds and urge your consideration of a national roundtable as you finalize your approach.

Sincerely,

American Council of Engineering Companies
American Exploration & Mining Association
American Exploration and Production Council
American Farm Bureau Federation
American Fuel & Petrochemical Manufacturers
American Gas Association
American Exploration & Mining Association
American Road & Transportation Builders Association
American Society of Civil Engineers
American Society of Golf Course Architects
Associated Builders and Contractors

Association of American Railroads
Association of Oil Pipe Lines
Ecological Restoration Business Association
The Fertilizer Institute
Golf Course Superintendents Association of America
Independent Petroleum Association of America
Industrial Minerals Association – North America
International Council of Shopping Centers
Interstate Council on Water Policy
Leading Builders of America
National Association of Counties
National Association of Home Builders
National Association of State Departments of Agriculture
National Association for Surface Finishing
National Club Association
National Corn Growers Association
National Council of Farmer Cooperatives
National Mining Association
National Multifamily Housing Council
National Pork Producers Council
Southeastern Lumber Manufacturers Association
Treated Wood Council
United Egg Producers
USA Rice
U.S. Chamber of Commerce