

## August 18, 2021: Public Meetings and Recommendations on Revising the Definition of "Waters of the United States"

Dear Students, Colleagues and Friends,

This is one of those days when I had to set aside what I *should* be doing for what I *must* do as a citizen concerned with the well-being of nature and us as part of nature. And as an important aside – right up front – I’m about to lobby you. (Apologies to those of you from other countries for this U.S. oriented post, but you might want to check on your water rules as well if you choose to read further.)

Below you’ll see an announcement for public meetings on revising the definition of “Waters of the United States”. If you haven’t been a leader or active in the protection and conservation of healthy, plentiful water in our nation’s watersheds this might seem like a meeting meant for someone else. Nope. This meeting is here for you to voice YOUR opinions on the future of water quality and supply – but also as part of that, your support of biodiversity, racial equity, public health, regenerative business and long-term support for our society.

Once upon a time, the Clean Water Act needed some tweaking on this definition so it was clear to all concerned including businesses, specific businesses like farmers, scientists, regulators and all the rest of us we needed to work together to . . . tweak. I was a small part of those discussions which were sometimes tense but ended up serving all those groups. Then, (because I have a broken arm and want to keep this short); politics. The most recent ruling came down in 2020 and frankly, it ignores the science on watershed structure and health. That’s why I took time out today to raise my voice as a citizen steward for this nation’s natural resources and invite you to do the same.

If you take me up on this you’ll sign up for the meeting, attend and state your piece in three minutes or less. There will be a lot of folks representing “thousands” or more people. They do this for a living so they can be intimidating and based on today’s call, they outnumber us. That’s one reason your voice is so important. Moving forward, we can’t stand by. We can’t sit on the sidelines and let “others” take care of our concerns. We don’t all have to run for office (although I’m relieved some of you have!) but we do need to get involved.

I’m not expecting you to necessarily have the same opinion as me but I thought you might appreciate seeing what I said today – just so you can note how non-technical these comments can be. You’ll see up front you have to state your name and who you represent.

**“Hello, my name is Margo Farnsworth. I am a citizen and landowner who has worked with watershed, farm and business organizations across the U.S. throughout my career. We’ve heard a lot from businesses today – and**

**businesses (including food production) are vital to our country. However, it is important to understand that without healthy, plentiful natural resources (specifically water), business and in fact society will suffer. It's critical any Waters of the U.S. Rule definition includes tributaries, ephemeral streams and wetlands in any Waters of the U.S. definition.**

**Clear communication and streamlined processes have been a challenge in the past and should be paramount in moving forward – including clear definitions regarding enforcement.**

**However, if we do not base our decisions and definitions on science and what we know about how watersheds work, we are doing citizens, the rest of nature AND business in the long-run a huge disservice. Organizations may represent thousands or tens of thousands of us; but science represents all of us. Please, repeal the 2020 rule and move forward based on sound watershed science. Then, work to enforce the resulting rules. Thank you.”**

See? Simple. The link in the announcement below should clear up any questions you have and will lead you to where you can sign up to speak on behalf of healthy, plentiful waters. Of course, you can also contact me with any questions as well. Thank you in advance and be well.

### **Public Meetings and Pre-proposal Recommendations on Revising the Definition of “Waters of the United States”**

The U.S. Environmental Protection Agency and the Department of the Army recently announced upcoming community engagement on the agencies' plans to write a new definition of “waters of the United States” (WOTUS) under the Clean Water Act to better ensure clean and safe water for all. EPA and Army are committed to providing certainty by developing a reasonable, effective, and durable definition of WOTUS that protects public health, the environment, and downstream communities and economies, while supporting agriculture and other industries.

Public meetings will be held on August 18, 23, 25, 26, 31 and September 2, 2021. The meeting on August 25, 2021 is for small entities, including small governments and small non-profits. In addition, the agencies are initiating Federalism and Tribal consultations for the foundational rule that would restore the regulations defining WOTUS that were in place for decades until 2015, with updates to be consistent with relevant Supreme Court decisions.

EPA's WOTUS website includes registration links for the August public meetings: <https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities>

In addition, the agencies are requesting feedback on how to better engage to ensure input is received from communities with environmental justice interests. How does the jurisdictional status of waters affect communities that are overburdened with environmental pollution? How is the implementation of NWPR impacting low-income communities, and other disadvantaged communities? Can the jurisdictional status of waters be linked to environmental justice concerns, and, if so, what is the basis? Pre-proposal feedback can be provided to the agencies during the public meetings or via the docket at <https://www.regulations.gov/docket/EPA-HQ-OW-2021-0328>. The docket closes on Friday, September 3, 2021.

#### Background:

“Waters of the United States” is a term in the Clean Water Act that establishes the geographic scope of federal jurisdiction under the Act. The engagement includes an opportunity for stakeholders and the public to provide written recommendations and a series of public meetings in August to hear perspectives on the agencies’ rulemaking process. Additional information about tribal consultation may be found on the Tribal Consultation Opportunities Tracking System website (<https://tcots.epa.gov/>). Additionally, the agencies plan to convene regionally focused and inclusive roundtables during the upcoming fall and winter.

EPA’s WOTUS website includes registration links for the August public meetings and the *Federal Register* Notice. For more information about our outreach and engagement plans, and more generally on the definition of “waters of the United States,” visit <https://www.epa.gov/wotus>.

Please feel free to contact [CWAwotus@epa.gov](mailto:CWAwotus@epa.gov) with any questions.

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***Give good people good information and they'll do good things.***

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