



April 2, 2019

ACTION REQUEST

Proposed New Rule- Revised Definition of "Waters of the United States" (WOTUS)

Background

In June 2015, the United States Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) finalized a rule that vastly expanded the definition of "waters of the United States" or WOTUS. The rule was quickly challenged in the courts. Currently, the 2015 WOTUS Rule is temporarily blocked in 28 states including Kentucky.

American Farm Bureau Federation (AFBF) and Kentucky Farm Bureau (KFB) have been adamantly opposed to the 2015 finalized rule and believe it vastly expands federal jurisdiction and places undue burden on producers.

KFB 2019 National Priority Issues:

- *Support a thorough regulatory review to ensure regulations do not impose an undue economic burden on any segment of society and the regulatory process is transparent and results achievable.*
- *All regulations should be based on sound, peer-reviewed scientific data that can be replicated.*
- *Support congressional oversight of federal agency regulatory actions to ensure rules and regulations do not exceed the intent and authority of federal law.*

Proposed New Rule

On February 14, 2019, the EPA and Corps published in the Federal Register a proposed rule that revises the definition of "waters of the United States." The proposed rule eliminates confusing case-specific significant nexus analyses and draws clear distinctions between what is jurisdictional and what is not, provides for a common-sense definition of tributary, and clarifies and reinforces that prior converted cropland is not WOTUS.

AFBF and KFB are supportive of the proposed rule as it provides a WOTUS definition that will enable agencies, farmers, landowners, and the public to easily identify federally regulated waterways.

Submit Comments

Kentucky Farm Bureau members are **STRONGLY** encouraged to submit comments in support of the proposed WOTUS rule. Comments can be submitted electronically [here](#) and members that wish to submit comments through the mail may send them to the following address:

U.S. Environmental Protection Agency
EPA Docket Center, Office of Water Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**Please be sure to reference "Docket ID No. EPA-HQ-OW-2018-0149" in your comments.*

A sample of comments along with detailed instructions on how to submit can be found [here](#). Members are encouraged to share personal stories of how this rule will provide clarity and prevent federal government overreach. All comments must be submitted by **April 15, 2019**.

Additional Information

Additional resources on the proposed rule can be viewed at kyfb.com. Please contact Emily Buckman, Director of National Affairs for Kentucky Farm Bureau, at Emily.Buckman@kyfb.com or 502-495-5137 if you have any questions.

For assistance or more information contact:

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