



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 13, 2021

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

Re: Notification of Extension of Federalism Consultation Comment Period for Revising the Definition of “Waters of the United States” (WOTUS)

Dear Intergovernmental Association Colleague:

As explained in our July 29, 2021, letter to you, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Army (the agencies) have initiated a federalism consultation for a rulemaking that restores the WOTUS regulations in place prior to the 2015 Clean Water Rule, with updates to be consistent with relevant Supreme Court decisions. We would like to notify you that the comment period for this consultation is extended to 60 days, beginning August 5, and ending October 4, 2021.

This extension is granted at the request of multiple intergovernmental associations. As you are representatives of our state, local, and territorial government partners, many of whom are our co-regulators, it is a priority of our agencies to ensure you have the opportunity to provide early, substantial, and meaningful input on this important issue.

In addition to the forthcoming rulemaking, the agencies anticipate developing a second rulemaking informed by states, tribes, territories, local governments, and stakeholder feedback that builds upon the regulatory foundation described above. A second consultation process will be initiated as the agencies move closer to working on that second rule. We welcome your participation in the elements of that consultation as well.

Consulting with state and local government officials, directly and through their representative national organizations, is an important step in the process prior to proposing regulations that may have federalism implications under the terms of Executive Order 13132, titled *Federalism* (64 Fed. Reg. 43255, August 10, 1999). We look forward to hearing and receiving the input and advice of our intergovernmental partners as we develop the forthcoming rules to establish a durable, protective, and workable definition of “waters of the United States.”

We request that written input be submitted to the agencies via email to CWAwotus@epa.gov and usarmy.pentagon.hqda-asa-cw.mbx.asa-cw-reporting@mail.mil.

If you have questions regarding the federalism consultation process, you may contact EPA's Andrew Hanson at hanson.andrew@epa.gov. For questions about the rule, you may contact EPA's Damaris Christensen at christensen.damaris@epa.gov or Stacey Jensen, Office of the Assistant Secretary of the Army (Civil Works), at stacey.m.jensen.civ@mail.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Casey Katims", is centered on a light-colored rectangular background.

Casey Katims
Deputy Associate Administrator, Intergovernmental Relations