

Thank you.

I am (State your name, title, company, etc)

I am also a member of (NAR, RLI, any other organizational affiliation, etc).

I would like to thank the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers for hosting this public hearing to hear different perspectives from stakeholders on revising the definition of the Waters of the U.S., otherwise known as WOTUS.

As a U.S. citizen and real estate professional, when discussing the importance of water quality and how to protect it, there are several principles that I keep in mind:

- Clean water is essential to our way of life and protecting our water resources will create healthy places to live, work, and play;
- Protections for clean water and enhanced economic growth are compatible;
- The regulated community needs regulations that provide certainty and clarity to allow

them to conduct their business in a cost-effective way;

- States and localities need to play an important role in any effective WOTUS regulation; and
- the best available science must be used to support any new regulatory framework.

Those principles are why I respectfully request that, as you review the current WOTUS framework and propose new WOTUS

regulatory definitions, you must consider the former Navigable Waters Protection Rule (or NWPR) as a model to emulate. I believe it embodies many of the guiding principles I just outlined.

For over 20 years, uncertainty surrounding the scope of federal authority over WOTUS has resulted in litigation and regulatory uncertainty.

The 2015 WOTUS Rule took an overly broad view of federal jurisdiction over waters; it was

quickly halted and never implemented in much of the U.S.

In contrast, the NWPR was a commonsense rule that clearly defined what waters were subject to federal jurisdiction and what waters were subject to state or local protection. It was implemented with little confusion on the part of the regulated community.

The Agencies have not adequately justified their decision to repeal the NWPR and propose a new regulation.

The Agencies claim the NWPR was reducing clean water protections, but that claim rests on unsubstantiated statements about “potential environmental harms” and gaps in federal and state regulatory programs.

The Agencies appear to assume that a narrower definition of WOTUS means a complete lack of water quality oversight and environmental harm.

That assumption is not supported by the record the Agencies have created to date, nor is it probable under the regulatory frameworks under the CWA.

I believe the NWPR empowered people and communities to continue to protect their water

resources and provide Americans the clarity to operate their businesses without having to hire an army of lawyers and consultants.

It is important for small businesses and regulators to have consistent and clear regulations, and the NWPR did exactly that.

Complex rules create uncertainty and confusion which negatively impact small businesses,

because they have fewer resources to help them understand and comply with the regulations.

Complex rules also hinder efforts to improve infrastructure resilience and job growth. Creating a workable regulation is vital for continued economic growth and has far-reaching implications for the businesses that provide 85 percent of the jobs in the nation's economy, and the families that rely on them.

Unclear regulatory definitions that depend on case-by-case analyses or overly expansive definitions increase costs and make it more difficult to build badly needed housing and infrastructure.

This could undermine the President's goal to improve resiliency of infrastructure and improve access to clean water, transportation, and electricity for low-income communities.

Making more U.S. waters subject to more regulations and costly permitting procedures—which is what this proposed rule would do—will make building new homes more expensive, thereby excluding more families from realizing the American dream of homeownership.

To be effective, regulations should be workable, clear and consistent. At this time, I fear this proposed rule are none of these.

Thank you for this opportunity to provide my comments and perspectives on the proposed rule to revise the definition of the Waters of the United States. On behalf of members of (either NAR or RLI, depending) I look forward to working with you to help craft a rule that protects water quality while enhancing opportunities for economic development.