



April 23, 2025

Submission via www.regulations.gov

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Senior Official Performing the Duties of the Assistant Secretary of the Army (Civil Works)
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Environmental Protection Agency
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Benita Best-Wong
Deputy Assistant Administrator for Management, Office of Water
Environmental Protection Agency
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Re: WOTUS Notice: The Final Response to SCOTUS; Establishment of a Public Docket; Request for Recommendations, Dkt. ID EPA–HQ–OW–2025–0093

Dear Senior Official Colosimo and Deputy Assistant Administrator Best-Wong:

Waterkeeper Alliance, Environmental Integrity Project, and the undersigned U.S. Waterkeepers (collectively “Commenters”) submit the following comments on the U.S. Environmental Protection Agency’s (“EPA”) and the Department of the Army, U.S. Army Corps of Engineers’ (“Corps”) (collectively the “agencies”) notice¹ requesting recommendations on the regulatory definition of “waters of the United States” (“WOTUS”) under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (“Clean Water Act”), and the implementation of the WOTUS definition in light of the Supreme Court’s 2023 decision in *Sackett v. EPA*, 598 U.S. 651 (2023) (“*Sackett*”).

On behalf of our organizations and our respective individual members and supporters, we write to emphasize the importance of maintaining, and where possible, consistent with Supreme Court precedent, restoring longstanding protections for the nation’s waters. As the agencies contemplate additional administrative action regarding the WOTUS definition, it is imperative that the protections in the current regulatory definition be maintained and that any amendments and reinterpretations of that regulatory definition through rulemaking, guidance, memoranda, or other means, fully restore protections consistent with the objective, structure, and text of the Clean

¹ WOTUS Notice: The Final Response to SCOTUS; Establishment of a Public Docket; Request for Recommendations, Dkt. ID EPA–HQ–OW–2025–0093, 90 Fed. Reg. 13428 (Mar. 24, 2025) (“March 24, 2025 Notice”).