

Congress of the United States
Washington, DC 20515

November 28, 2016

President-Elect Donald J. Trump
Transition Team Headquarters – Trump Tower
725 5th Ave
New York, NY 10022

Upon taking office, we strongly encourage you to immediately rescind the harmful and flawed “Waters of the United States” (WOTUS) rule being implemented by the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (USACE). As you know, Congress passed a full repeal of the Administration’s WOTUS rule which President Obama vetoed on January 19, 2016.

With the Clean Water Act, Congress established federal and state permitting authorities aimed at protecting navigable waters from pollution while encouraging states to protect groundwater and non-navigable intrastate waters. Congress defined the term “navigable waters” as “waters of the United States,” which expanded the scope of Federal jurisdiction at the time from interstate waters only to include both interstate and intrastate navigable waters and their tributaries. The new WOTUS rule furthers the Administration’s desire to ignore the term “navigable” and essentially declares jurisdiction over all waters, regardless of their scope and purpose. The Administration is attempting to unilaterally broaden its jurisdiction which will have serious long-term consequences for the nation’s business owners, homeowners, private property owners and manufacturers as well as agriculture and rural economies.

The WOTUS rule has had a disastrous effect on farmers, businesses, and families, and 31 states and many dozens of plaintiffs filed suit against the government challenging its legality. On August 27, 2015, a federal court in North Dakota stayed the rule’s application in 13 states. Following an appeal, on October 9, 2015, the U.S. Court of Appeals for the Sixth District issued a nationwide stay halting the implementation of WOTUS throughout the country.

However, the EPA and USACE continue to harass landowners all across the country and are working to implement the full scope of the regulation. The Administration imposed WOTUS on our communities without Congressional approval and we trust you recognize the substantial cost and regulatory burden this places on the economy. Respectfully, we request you withdraw this regulation as soon as you can in your new Administration.



JEFF DENHAM
Member of Congress



BOB GIBBS
Member of Congress



DOUG LAMALFA
Member of Congress



BRUCE WESTERMAN
Member of Congress



MIMI WALTERS
Member of Congress



ROBERT PITTENGER
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