



## MISSISSIPPI FARM BUREAU® FEDERATION

Post Office Box 1972, Jackson, Mississippi 39215-1972 § 601-957-3200

April 8, 2019

U.S. Environmental Protection Agency  
EPA Docket Center  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Re: Docket ID EPA-HQ-OW-2018-0149

On behalf of the Mississippi Farm Bureau Federation (MFBF), I appreciate this opportunity to offer our support for the revised definition of the “waters of the United States.” First, I wish to express our appreciation of the agency’s commitment to reconsidering this important definition. The proposed definition goes a long way to providing more clarity and certainty than the 2015 definition. Our farmers and landowners are committed to being good stewards of our water resources, so it is critical that we have rules and regulations that are clear and concise. EPA should make it clear that this rule does not leave classes of waters unprotected, but attempts to define those waters under federal jurisdiction from those under the protection of state agencies.

In addition to this statement of support, we urge the agency to carefully consider the more substantive comments submitted by the American Farm Bureau Federation (AFBF) and the Waters Advocacy Coalition (WAC). MFBF believes the proposed language is consistent with the intent of the Clean Water Act (CWA) and consistent with Supreme Court precedent. The scope of the rule provides clarity by eliminating the confusing case-specific, significant nexus language and draws bright distinctions between federal and state jurisdiction. It also appropriately puts the onus on the federal government to establish jurisdiction, rather than the landowner, when historic evidence is necessary. The proposal appropriately retains the exclusion for “groundwater, including groundwater drained through subsurface drainage systems.” MFBF is also pleased that the agency addressed “prior converted cropland (PCC)” and clarifying that CWA clearly means, “once converted, always converted” and moves away from the practice of using abandonment and recapture to claim jurisdiction over PCC.

Again, MFBF believes the agency has correctly and appropriately chosen to revisit the definition of WOTUS. We appreciate the time and commitment the agency has taken to engage with stakeholders to ensure the proposed rule conforms to the intent and purpose of the CWA. While not perfect, we believe that this proposed rule is a significant improvement over the 2015 WOTUS rule. For specific comments to address the individual categories of jurisdictional waters, please consider this our support of the AFBF and WAC comments on those issues.

Sincerely,

Mike McCormick, President