



PO Box 2136 • 1415 12th Ave SE  
Jamestown, ND 58401  
800-366-8331 • 701-252-2341  
ndfu.org

April 15, 2019

Submitted Electronically

U.S. Environmental Protection Agency  
EPA Docket Center, Office of Water Docket  
Mail Code 28221T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Re: Comments for Docket Number EPA-HQ-OW-2018-0149

North Dakota Farmers Union (NDFU) appreciates the opportunity to comment in Docket Number EPA-HQ-OW-2018-0149 regarding the Revised Definition of Waters of the United States. NDFU, the largest general farm organization in North Dakota, represents more than 50,000 farm and ranch families and their energy and agriculture supply cooperatives.

NDFU's member developed policy positions oppose expanding which waters are covered under the Clean Water Act ("CWA"). The Department of the Army, Corps of Engineers, and the Environmental Protection Agency ("the Agencies") proposed rule regarding the CWA provides needed clarity to the law without a broad expansion of the term "the waters of the United States." In the proposed rule, NDFU endorses the removal of the similarly situated group of waters, like the Prairie Pothole Region, from the term "waters of the United States". NDFU supports the Agencies' continued exclusion of prior converted cropland and groundwater drained through subsurface drainage systems from the term "waters of the United States." NDFU also appreciates the clarification regarding which activities constitute an agricultural purpose on prior converted cropland and when an area is no longer considered prior converted cropland for purposes of the CWA.

NDFU recommends the Agencies incorporate two revisions to the proposed rule. Wetlands that are one (1) acre or less should be excluded from the term "waters of the United States." Wetlands of this size should not be under the jurisdiction of a state or federal agency. In addition, waters outside the boundary of a wetland should be treated as sheet flow and not "waters of the United States" under the rule.

NDFU respectfully requests the Agencies incorporate these recommendations to provide additional clarity to the proposed rule and the term "the waters of the United States."

Sincerely,

NORTH DAKOTA FARMERS UNION

A handwritten signature in black ink that reads "Mark Watne".

Mark Watne  
President