

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: _____ Weekly Agenda Date: _____

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: _____

WORDING FOR AGENDA ITEM:

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

BACKGROUND:

FINANCIAL IMPACT:

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:

Karen James

From: John Torbert <jtorbertidda@gmail.com>
Sent: Thursday, January 27, 2022 12:33 PM
To: Kaitlynn Moran; Shelley Wolf; Leah Henkelman; Ann Baschke; Eric Van Lancker; Lori Pedersen; Lisa Rosburg; Michelle Fields; Ann Hinders; Michelle Kuechenberg; Kim Lonning; Marjorie J. Mergen; Sandi Elliott; Lisa Jones; Barb Rohwer; Rochelle VanTilburg; jmorey@co.palo-alto.ia.us; kherr@pocahontascounty.iowa.gov; Linda Swolley; Krystal Lloyd; Kris Oswald; Karen James; krystal.thompson@worthcounty.org; Courtney Morris; Keith Dencklau; Rick Pedersen; Jeff Quastad; Scott Jacobs; Roger Tjarks; Barry Anderson; Keith Wirtz; Ivan Droessler; Luke Huggins; Doug Struyk; Mona Bond
Subject: Water of the United States
Importance: High

CAUTION: This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. **If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.**

The US Environmental Protection Agency is attempting to implement a new federal regulation concerning Waters of the US (WOTUS). Under the proposed regulation, drainage districts could be classified as being under the jurisdiction of the Clean Water Act. Potentially, that means that county supervisors, acting in their capacity as drainage trustees, would have get permission from the Iowa Dept. of Natural Resources to do drainage improvements, repairs and maintenance.

The rule would make already confusing water regulations more unclear and unpredictable. Public comment on the rule is open until **February 7th**. IDDA issued our comments today. A copy of what I submitted is as follows -

I am the Executive Director of the Iowa Drainage District Association (IDDA) in West Des Moines, Iowa. IDDA represents almost 3,000 drainage districts, mainly in central, north central and northwest Iowa. I am writing to submit comments on the Environmental Protection Agency and the Corps of Engineers' proposed rule regarding "Definition of 'Waters of the U.S.' Under the Clean Water Act."

The proposed rule would roll back the important improvements that were made under the Navigable Waters Protection Rule (NWPR) and significantly expand the scope of "navigable waters" subject to Clean Water Act jurisdiction by potentially regulating large areas of private land miles from the nearest navigable water.

Drainage of crop production land in Iowa is a constitutionally recognized practice. Potentially, with this proposed rule, drainage district infrastructure and activity would be brought under the purview of the Clean Water Act. Drainage district trustees, usually elected county supervisors, are required by law to properly maintain drainage ditches. If brought under the jurisdiction of the Clean Water Act, trustees may have to get permission from the state Department of Natural Resources, to improve, maintain or repair ditches. That would be a untenable position that would turn over to the state bureaucracy decisions that are supposed to be made by drainage trustees.

The proposed rule reverses the clarity and certainty that the NWPR achieved and brings us back to confusing case-by-case determinations. The only thing that is clear and certain is that this proposed rule will make things unclear and uncertain.

I urge you not to implement this proposed rule.

The purpose of this email is to ask you as, as IDDA membership, to consider commenting on the rule. Here is how to do that-

1) Go to the website for the US Environmental Protection Agency (EPA) www.epa.gov

2) Once you are on their website, there is a search bar in the upper right corner of the home page. In that search bar, type - waters of the US. That will pull up a list of topics on WOTUS. The first thing on that list should state - Waters of the US - Information regarding the revised definition of the Waters of the US. Click on that section.

3) That will pull up another page which has a large blue information box in the middle of the page. Toward the bottom of that blue box, a sentence is underlined which states that the public comment is now open. If you click on that sentence, it takes you directly to a page where you can make comments and click to submit them.

The comment does not have to be long - keep them short and to the point. Feel free to use any of the information contained in my comments above.

Suggested comment -

I am a (supervisor, Drainage clerk, engineer) in _____ County. I urge you not to implement the proposed Waters of the United States rule. It potentially takes decisions we are required to make to keep our drainage infrastructure in good condition and transfers that authority to a state bureaucracy.

While the proposed rule is supposed to add clarity and understanding, it does exactly the opposite.

Thanks

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