

**April 23, 2025**

Comments regarding:

**March 24, 2025 WOTUS Notice: The Final Response to SCOTUS; Establishment of a Public Docket; Request for Recommendations**

Submitted by:

**Energy and Wildlife Action Coalition**

Filed electronically:

Docket No. EPA-HQ-OW-2025-0093

By this letter, the Energy and Wildlife Action Coalition (“EWAC”)<sup>1</sup> respectfully requests an extension of the comment period associated with the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers (collectively, “Agencies”) March 24, 2025 notice (“Notice”) announcing listening sessions and solicitation of stakeholder feedback in connection with the definition of “waters of the United States” (“WOTUS”) under the Clean Water Act (“CWA”).<sup>2</sup> For the reasons set forth below, EWAC requests the deadline for comments to inform the definition of WOTUS be extended until Monday, June 23, 2025.

EWAC appreciates the Agencies’ commitment to receiving public input on certain key topics identified in the “Stakeholder Feedback Opportunity” section of the Notice, as well as the Agencies’ decision to hold scheduled listening sessions with various groups of stakeholders through May 1, 2025. EWAC is concerned, however, that a 30-day public comment period that expires prior to the last listening session for stakeholders and prior to the Agencies’ scheduling of promised listening sessions for the general public<sup>3</sup> may not allow sufficient time for stakeholders and the public to provide detailed recommendations to the Agencies that would inform a more durable WOTUS definition. Further, statements made during the listening sessions may provide important information or context that will assist stakeholders in providing useful information for the Agencies’ consideration. While EWAC appreciates the urgency to promulgate a sustainable WOTUS definition that is in line with the CWA and directives from the U.S. Supreme Court,<sup>4</sup> the complex nature of issues associated with defining WOTUS weighs in favor of a longer public comment period.

EWAC appreciates the Agencies’ consideration of this request and looks forward to providing comments on the Notice. Please do not hesitate to contact the following EWAC representatives should the Agencies’ seek additional clarity on any of the above.

\*\*\*

Please feel free to contact the following EWAC representatives:

Jennifer A. McIvor, EWAC Policy Chair, [jennifer.mcivor@brkenenergy.com](mailto:jennifer.mcivor@brkenenergy.com), 712-352-5434

John M. Anderson, EWAC Executive Director, [janderson@energyandwildlife.org](mailto:janderson@energyandwildlife.org), 202-674-8569

Brooke Marcus, Nossaman LLP, [bmarcus@nossaman.com](mailto:bmarcus@nossaman.com), 512-813-7941

---

<sup>1</sup> EWAC is a national 501(c)(6) trade association formed in 2014 whose members consist of electric utilities, electric transmission providers, and renewable energy entities operating throughout the United States, and related trade associations. The fundamental goals of EWAC are to evaluate, develop, and promote sound environmental policies for federally protected wildlife and closely related natural resources while ensuring the continued generation and transmission of reliable and affordable electricity. EWAC supports public policies, based on sound science, that protect wildlife and natural resources in a reasonable, consistent, and cost-effective manner. EWAC is a majority-rules organization and therefore specific decisions made by the EWAC Policy Committee may not always reflect the positions of every member.

<sup>2</sup> 90 Fed. Reg. 13,428 (Mar. 24, 2025) (“WOTUS Notice”).

<sup>3</sup> See EPA’s Public Outreach and Stakeholder Engagement Activities page, found at: <https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities> (last viewed April 21, 2025).

<sup>4</sup> WOTUS Notice at 13,431.