



January 5, 2026

Lee Zeldin
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Daniell Driscoll
Secretary of the Army
Army Corps of Engineers
101 Army Pentagon
Washington, DC 20310-0101

Re: Proposed Rule to Define "Waters of the United States,"
Docket ID No. EPA-HQ-OW-2025-0322

Dear Administrator Zeldin and Secretary Driscoll:

The Arkansas Farm Bureau Federation (ARFB) welcomes the opportunity to submit comments regarding EPA's and ACOE's efforts to finalize a clear, workable WOTUS rule that respects farmers, private property and state authority. We submit these comments on behalf of our nearly 170,000 member families, more than 40,000 of whom are directly engaged in production agriculture.

As with any economic sector, whether it be finance, engineering, or in this case agriculture, removal of uncertainty and the mitigation of risk is of utmost importance. Farmers need clear, practical rules to protect water quality that will allow them to continue producing the safest and most affordable food, fuel and fiber in the world. For many years, the definition of WOTUS has been confusing, unpredictable, and, at times, adversarial. Unclear rules expose farmers to the risk of major fines or penalties from overzealous federal employees and/or private citizens for routine work such as tillage, planting, fencing or installing conservation practices.

The Supreme Court's 2023 decision in *Sackett v. EPA* provided essential clarity by rejecting the "significant nexus" test and directing the agencies to rely on the "relatively permanent" standard, along with a requirement for a continuous surface connection to assert federal jurisdiction. These limits better reflect the Clean Water Act's intention and provide a clearer framework for farmers and landowners.

The ARFB supports efforts to bring the WOTUS definition into line with the *Sackett* decision. Farmers need a rule that is workable, durable and easy to understand. Clarifying the terms "relatively permanent" and "continuous surface connection" is an important step toward that goal.

Please feel free to contact me at evan.teague@arfb.com with any questions or comments.

Respectfully submitted,

A handwritten signature in black ink that reads "Evan A. Teague".

Evan A. Teague, PE, MBA
Vice President, Environmental Issues

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