October 9, 2026

Stacey Jensen
Office of Wetlands, Oceans, and Watersheds
Office of Water (4504–T)
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Milton Boyd
Office of the Assistant Secretary of the Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310–0104

Re: Comments of the Golf Course Superintendents Association of America on the U.S. Environmental Protection Agency's and U.S. Army Corps of Engineers' Supplemental Notice of Proposed Rulemaking, Updated Definition of "Waters of the United States," Docket ID No. EPA-HQ-OW-2025-0322

I. Introduction

The Golf Course Superintendents Association of America (GCSAA) submits the following comments on the Environmental Protection Agency's and U.S. Army Corps of Engineers' (the "Agencies") Supplemental Notice of Proposed Rulemaking ("Supplemental Rule") regarding the definition of "waters of the United States" ("WOTUS") under the Clean Water Act (CWA), *Updated Definition of "Waters of the United States,"* 91 Fed. Reg. 57,284 (Sept. 9, 2026). The Supplemental Rule supplements the Agencies' November 20, 2025, proposal, *Updated Definition of "Waters of the United States,*" 90 Fed. Reg. 52,498 (Nov. 20, 2025) (hereinafter "Proposed Rule") by proposing additional options for revising the definitions of "relatively permanent" and "continuous surface connection" and adding a new definition of "perennial".

GCSAA is a leading golf organization in the United States. Its focus is on golf course management, and since 1926 GCSAA has been the top professional association for the men and women who manage golf courses in the U.S. and worldwide. From its headquarters in Lawrence, Kan., the association provides education, information and representation to 21,000 members in more than 78 countries. The association's mission is to serve its members, advance their profession and improve communities through enjoyment, growth and vitality of the game of golf.

The golf industry submitted comments on the Agencies' original proposed rule on January 5, 2026, and incorporates those comments by reference.

Golf course superintendents manage complex landscapes containing natural streams, wetlands, irrigation ponds, stormwater infrastructure, drainage systems and other water-management features. Clear, predictable and practical jurisdictional standards are essential to responsible management of these resources.

GCSAA generally supports the supplemental proposed definitions of "relatively permanent" and "continuous surface connection" as steps toward greater regulatory clarity consistent with the Supreme Court's decision in *Sackett v. EPA*. Recognizing that the supplemental proposal builds upon the November 2025 rulemaking, GCSAA also requests additional clarification regarding the jurisdictional treatment of constructed and actively managed water features.

Our comments focus on three priorities: 1) establishing objective jurisdictional standards; 2) protecting qualifying artificial water-management infrastructure; and 3) ensuring that the final rule can be consistently and practically implemented.

II. Establish Clear Standards for Relatively Permanent Waters

GCSAA supports the supplemental proposal to define "relatively permanent" waters as perennial waterbodies containing standing or continuously flowing water throughout the year, subject to specified temporary interruptions.

Golf Course Superintendents Association of America
1421 Research Park Drive
Lawrence KS 66049-3859
Tel 800.472.7878

This approach would help distinguish relatively permanent waters from intermittent and ephemeral features, improve regulatory predictability and clarify the respective roles of federal and state authorities.

GCSAA also supports recognizing that anomalous events, including drought, may temporarily interrupt perennial flow without necessarily changing a waterbody's jurisdictional status. However, the final rule should establish objective criteria for determining when conditions are anomalous, when they become ordinary conditions and which information sources should be used in making those determinations.

Relevant information may include stream-gauge records, historical precipitation, snowpack, reservoir conditions, watershed hydrology and state or local drought determinations. If the Agencies retain a five-year limitation for anomalous events, GCSAA recommends incorporating that timeframe into the regulatory text.

The Agencies should also clarify how lawful water diversions and routine water-management activities affect the evaluation of relatively permanent flow, including whether temporary interruptions resulting from authorized activities should be treated consistently with comparable natural interruptions.

The final rule should clarify how multiple short interruptions in flow are evaluated under the perennial-water standard. The Agencies should specify when an interruption begins and ends, whether separate dry periods may be combined under the proposed single-period exception, and what evidence establishes their frequency and cause. This guidance is particularly important where ordinary seasonal conditions or lawful water-management activities affect flow. Qualifying artificial features should remain subject to applicable exclusions regardless of their flow pattern.

These clarifications would help ensure that jurisdictional determinations reflect actual hydrologic conditions rather than temporary changes or inconsistent interpretations.

III. Clarify Continuous Surface Connection and Protect Artificial Water-Management Infrastructure

GCSAA generally supports the supplemental proposal requiring perennial surface water to establish a continuous surface connection between a wetland and an otherwise jurisdictional waterbody.

This approach is intended to provide greater consistency with *Sackett*, which requires jurisdictional wetlands to have a continuous surface connection to covered waters such that the two are difficult to distinguish.

Equally important, the final rule should distinguish naturally occurring jurisdictional waters from artificial infrastructure constructed and maintained for irrigation, drainage, stormwater management, flood control and other water-management purposes.

A. Categorical Exclusion for Artificial Water-Management Features

GCSAA requests that the Agencies establish an express, categorical exclusion from WOTUS jurisdiction for qualifying artificial water conveyance and storage features constructed outside otherwise jurisdictional waters.

Eligibility for this exclusion should be based on a feature's origin, location and intended function—not simply whether it is man-made. Specifically, the exclusion should apply to features that:

- Were lawfully constructed outside otherwise jurisdictional waters and wetlands;
- Were designed and are maintained primarily for localized irrigation, drainage, stormwater management, flood control, water storage, conveyance or reuse; and
- Do not constitute the relocation or modification of an otherwise jurisdictional natural waterbody.

Qualifying features should include artificial irrigation channels, constructed drainage ditches, culverts, stormwater detention and conveyance systems, and associated water-storage facilities that satisfy these criteria.

These features are designed to collect, convey, temporarily store, redirect or reuse water. Their water levels and flows may change substantially in response to rainfall, irrigation schedules, maintenance activities and flood-control operations.

The requested exclusion should apply regardless of whether qualifying artificial features contain water continuously, seasonally or intermittently, provided they continue to meet the eligibility criteria described above.

Importantly, this exclusion would not eliminate federal jurisdiction over natural waters or wetlands that independently satisfy the WOTUS definition merely because they pass through or are connected by constructed infrastructure.

Many of these systems also provide important environmental benefits. Constructed drainage and stormwater features can help conserve water, reduce erosion, retain sediment, manage runoff and protect downstream water quality. Clear jurisdictional treatment of qualifying artificial features can facilitate their responsible operation, maintenance and improvement while preserving applicable protections for natural waters.

B. Existing Infrastructure and Historical Conditions

Many golf courses were developed decades ago, and some have operated for more than a century. Their water-management infrastructure may have been constructed long before current jurisdictional standards, mapping technologies and recordkeeping practices were established.

Consequently, historical information needed to determine whether a feature was originally constructed outside jurisdictional waters may be incomplete or unavailable.

GCSAA requests that the Agencies establish reasonable methods for evaluating longstanding artificial water-management features when original construction records or historical jurisdictional information cannot be obtained.

Landowners should be permitted to rely on available historical maps, aerial photography, engineering records, facility documentation and other credible evidence without being required to reconstruct conditions that existed decades earlier.

GCSAA further requests that the Agencies clarify the jurisdictional treatment of lawfully constructed or modified channels that replaced or altered natural drainage features. Where

such features function primarily as engineered water-management infrastructure, GCSAA supports their exclusion to the extent consistent with the Clean Water Act, while preserving jurisdiction over independently covered natural waters. This additional clarification is important because the requested categorical exclusion should not leave longstanding, lawfully constructed water-management infrastructure subject to unnecessary uncertainty solely because of incomplete historical records.

C. Clarification Regarding Culverts and Wetland Connections

Culverts are commonly used on golf courses to convey water beneath roads, cart paths and berms. They serve important water-management functions, including maintaining drainage, reducing erosion, preventing unintended flooding and temporarily storing stormwater during heavy rainfall.

GCSAA supports the express exclusion of qualifying artificial culverts from WOTUS jurisdiction. We further recommend that wetlands physically separated by a roadway, berm or similar constructed feature not be considered jurisdictionally connected solely because water can pass between them through a culvert.

Culverts are engineered conveyance structures designed to manage water movement, not necessarily to establish a continuous surface connection between otherwise distinct wetlands. GCSAA therefore requests that the Agencies clarify that the presence of a culvert, including one that periodically conveys water between wetlands, is insufficient by itself to satisfy the proposed continuous surface connection requirement.

Likewise, temporary upstream inundation resulting from normal culvert operations should not independently establish federal jurisdiction over otherwise non-jurisdictional lands or water features.

GCSAA's preferred approach is that qualifying artificial culverts remain excluded from WOTUS jurisdiction and that wetlands separated by constructed infrastructure be evaluated independently under the applicable jurisdictional criteria, rather than being considered connected solely through the culvert.

IV. Practical Implementation and Conclusion

Golf course superintendents routinely manage natural waters and constructed water-management infrastructure as part of their responsibilities for irrigation, water conservation, stormwater management, environmental protection and flood mitigation.

For these professionals, regulatory certainty depends not only on the language of the final rule but also on whether its requirements can be reasonably understood and applied in the field.

GCSAA therefore encourages the Agencies to develop practical implementation guidance, including illustrated examples and clear decision criteria addressing common managed-landscape features such as irrigation ponds, constructed drainage channels, stormwater detention facilities, culverts and temporarily inundated areas.

Such guidance would help landowners distinguish jurisdictional waters from qualifying artificial features without unnecessary technical complexity, extensive data collection or routine reliance on costly consultants.

GCSAA respectfully requests that the Agencies:

1. **Finalize clear and objective jurisdictional standards** for relatively permanent waters and continuous surface connection, including consistent criteria for drought, ordinary climatic conditions, lawful water diversions and temporary interruptions in flow.

2. **Establish an express categorical exclusion** for qualifying artificial water conveyance and storage features, while providing additional clarification for longstanding infrastructure and lawfully constructed or modified channels that replaced natural drainage features.

3. **Clarify the treatment of culverts and other constructed infrastructure**, including their relationship to wetland connections and temporary upstream inundation, and provide practical implementation guidance for land managers.

These recommendations would improve regulatory certainty, recognize the environmental and operational benefits of constructed water-management infrastructure and support responsible stewardship while maintaining applicable protections for jurisdictional waters.

Golf Course Superintendents Association of America
1421 Research Park Drive
Lawrence KS 66049-3859
Tel 800.472.7878

GCSAA appreciates the Agencies' consideration of these comments and looks forward to continued collaboration toward a clear, durable and practically implementable definition of “Waters of the United States”.

The golf industry looks forward to working with the Agencies to pursue what we believe are common goals. Please forward any questions or comments to Chava McKeel, GCSAA Director of Government Affairs, by phone at 800.472.7878, ext. 3619, or by e-mail at cmckeel@gcsaa.org, or direct mail at GCSAA, 1421 Research Park Drive, Lawrence, KS, 66049. Thank you for considering these comments and recommendations.

Sincerely,



Chava E McKeel
GCSAA, Director of Government Affairs