



## TENNESSEE FARM BUREAU FEDERATION

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April 23, 2025

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

**Re: Docket No. EPA-HQ-OW-2025-0093; Implementation of the Definition of Waters of the United States: Request for Stakeholder Feedback**

The Tennessee Farm Bureau Federation (TFBF) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) request for stakeholder feedback on revising the definition of waters of the United States (WOTUS). TFBF represents a diverse group of commodity producers across the state and, with over 695,000 members, is the largest general farm organization in Tennessee. On behalf of our member farmers, we encourage EPA to consider these comments and the comments submitted by American Farm Bureau Federation and the Waters Advocacy Coalition.

Agriculture is the leading economic driver in Tennessee, which is largely due to access to rich and abundant water from one corner of the state to the other. The success of farming operations hinges on healthy soils and viable groundwater. At the same time, farmers understand the importance of protecting and being stewards of our natural resources. The objectives of the Clean Water Act (CWA) are supported by the agricultural community; however, for many years the regulatory landscape related to federal versus state jurisdiction hasn't been clear. With rulemaking challenging the scope of the CWA changing with each Administration, WOTUS definitions constantly changing, and the playing field always moving has left farmers and landowners confused and vulnerable. The Supreme Court's decision in *Sackett v. EPA* provided much-needed guidance, and we urge the EPA to curate a rule to finally bring certainty to the definition of WOTUS. We encourage EPA to consider the following:

1. Congress set a standard for federally protected waters based on their navigability, and EPA should honor that distinction.
2. As laid out by *Sackett v. EPA*, for wetlands to be deemed "adjacent" and therefore protected under the CWA, they must be "indistinguishable" from

WOTUS, have no clear demarcation from a WOTUS, and be connected by a continuous surface water connection.

3. The Biden Administration's WOTUS Rule created a standalone inclusion for impoundments, interstate waters, and intrastate waters under CWA jurisdiction, despite being contrary to precedence established by both *Rampanos v. United States* and *Sackett v. EPA* decisions. This Administration should yield to these decisions and require connection to a traditional interstate navigable water for these waters to be under federal jurisdiction.
4. Ditches (including but not limited to drainage ditches and irrigation ditches) and artificial ponds (including, but not limited to stock watering ponds, irrigation ponds, and sediment basins) should be excluded from the definition of WOTUS. These features are not navigable and are critical to agricultural operations.
5. Prior converted cropland should be excluded from the definition of WOTUS, and lands should retain that distinction unless they are abandoned and revert to wetlands. The Biden Administration's WOTUS Rule went against decades of implementation of this exclusion, and we encourage this Administration to restore this longstanding policy.
6. Groundwater must not be regulated as WOTUS. It does not meet the standards of "navigable waters" and thus should not be under federal jurisdiction.

Clean water is important to farmers and landowners across Tennessee and the United States. We urge this Administration to make the necessary changes outlined here, by American Farm Bureau, and the Waters Advocacy Coalition to provide a definition of WOTUS which is both protective of water quality and respectful of the rights of farm landowners. We thank the EPA for the opportunity to provide feedback and look forward to working together to achieve the best possible WOTUS definition.

Sincerely,



Eric Mayberry  
President  
Tennessee Farm Bureau Federation