



EPA Region 10 Tribal Operations Committee (RTOC)
P.O. Box 689
Spokane, Washington 99210
www.region10rtoc.net

October 8, 2026

Ms. Stacey Jensen
Oceans, Wetlands, and Communities Division
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Mr. Milton Boyd
Office Assistant Secretary of the Army for Civil
Works
Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0104

Submitted via Regulations.gov, Docket ID No. EPA-HQ-OW-2025-0322

**RE: Comments on the Proposed Amended Definition of “Waters of the United States,”
Supplemental Notice of Proposed Rulemaking**

Dear Ms. Jensen and Mr. Boyd:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10’s Tribal Operations Committee (“RTOC”). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC. This letter in response to the Supplemental Notice of Proposed Rulemaking titled “Updated Definition of Waters of the United States,” 91 Fed. Reg. 57284 (September 9, 2026).

EPA Region 10 includes Tribes across Alaska, Washington, Idaho, and Oregon. Clean water is essential to many Tribes, not just as a source of sustenance, but also for cultural, medicinal, and spiritual reasons. The ability of Tribes to control pollution and protect water quality is vital to the survival of Tribes. Almost no activity on the reservation has more potential for significantly affecting the economic and political integrity and the health and welfare of all reservation citizens than water use, quality, and regulation.

The RTOC strongly believes that the agencies must engage in consultation on a government-to-government basis with tribal governments to fully understand the impact of the supplemental notice on tribal communities and tribal resources. Agency officials must meet face-to-face with tribal elected officials to comply with their obligations to consult. The process in promulgating this supplemental notice failed to properly engage Tribes through government-to-government consultation, resulting in a proposal

that will undermine Tribal efforts to ensure that their communities have clean water as intended in the Clean Water Act.

Moreover, EPA must base any new rule on sound science designed to achieve the congressional goals of the Clean Water Act – making waters fishable and swimmable. Politics and economics should not drive any changes to the WOTUS definition. The supplemental notice fails to properly analyze the impacts to streams and waterways and lacks any credible science that demonstrate that it meets the requirements of the Clean Water Act.

By removing federal protection for a significant number of waters, the agencies are also removing cultural resource protections under the National Historic Preservation Act that would be applicable to federal actions, such as the issuance of Clean Water Act § 404 permits. The supplemental notice fail to adequately consider how the removal of federal protections will impact cultural resources, which are often within riparian areas or, even within, waterways (such as historic fishing weir sites). Moreover, limiting the scope of WOTUS has a corresponding limitation on the applicability of the National Environmental Policy Act – which will result in significantly less consideration of environmental impacts associated with projects within a waterway or in adjacent riparian areas.

Lastly, the RTOC joins and adopts the following comments in opposition to the proposed amended definition of “Waters of the United States,” Supplemental Notice of Proposed Rulemaking, 91 Fed. Reg. 57284 (Sept. 9, 2026):

- Comments of the National Congress of American Indians, submitted October 9, 2026
- Comments of the National Tribal Water Council, submitted October 9, 2026
-

Please ensure that the RTOC’s joinder and adoption of these comments is reflected in the record for this proposed rulemaking. Thank you.

The RTOC appreciates your consideration of these comments and specifically requests that EPA provide an update on this proposal at one of its meetings.

Sincerely,

A handwritten signature in cursive script that reads "Raymond Paddock".

Raymond E. Paddock III
Central Council of the Tlingit and Haida Indian Tribes of Alaska
Region 10 Tribal RTOC Chair