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October 14, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

The Honorable John McHugh  
Secretary  
Department of the Army  
The Pentagon  
Washington, D.C. 20301

Dear Administrator McCarthy and Secretary McHugh:

The Houma-Terrebonne Chamber of Commerce represents over 785 member businesses in Terrebonne and the surrounding parishes and is a strong advocate for business and economic development in this region. The Chamber is extremely concerned with the proposed regulation, issued on March 25, 2014, to amend the definition of Waters of the United States (WOTUS) by your agencies. This jurisdictional overreach will greatly increase the permitting requirements on local and state governments, industries, agricultural producers, real estate developers, and landowners throughout our region and will have a negative impact on our economy with little or no benefit.

The health of our water resources is important to us; however, we believe this expansion has been developed without adequate input from business, state, and local officials. This rule will both hamper the ability of state government to effectively protect the environment through thoroughly reviewed permits, but will also threaten economic growth and place additional costs on the main economic drivers in Louisiana.

The proposed rule undermines the historically successful federal-state cooperation in the administration of the Clean Water Act. The waters this proposed rule seeks to cover through federal jurisdiction are currently protected as state waters. A more reasonable and less costly approach to ensuring these isolated and intrastate waters are adequately protected would be for EPA and the Corps to work with states to improve their water quality programs.

Our concern is that more waters would become WOTUS under the proposed rule, and as a result, countless new applicants will need to obtain an individual permit from the Corps of Engineers (Corp) and/or the Environmental Protection Agency (EPA), triggering even more companion federal permitting processes which will be costly and time consuming given that federal agencies are not bound by a specific time limit. Over \$1.7 billion is currently spent each year by the private and public sectors on administrative costs to obtain wetlands permits, without taking into account the cost of required mitigation, and it is clear that this proposed rule will dramatically increase both the dollar amount and the time required to obtain these permits.

Additionally, the potential effect of the proposed rule directly conflicts with the Administration's stated commitment to expedite infrastructure projects. Due to Louisiana's topography, more section 404 (the 'dredge and fill' permit) permits will be required. Section 404 permits are federal "actions" that trigger additional companion statutory reviews by agencies, other than the state permitting agency, including (but not limited to) reviews under the Endangered Species Act, the National Historic Preservation Act,



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and the National Environmental Policy Act. Longer permit preparation and review times, when combined with the higher costs associated with additional reviews, would place both large and small businesses alike in a financially disastrous situation, as they will lead to higher costs overall and greater risks that can ultimately jeopardize the viability of a project.

We respectfully request that you withdraw the proposed rule and then, with sufficient local and state involvement to determine appropriate jurisdictional boundaries, re-propose a more solicitous and carefully tailored approach to protection of these water resources.

Sincerely,

Donald A. Hingle II  
Chairman of the Board