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EXECUTIVE DIRECTOR

January 23, 2020

The Honorable R.D. James
Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
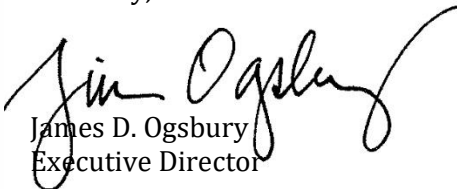441 G Street, N.W.
Washington, DC 20314

Dear Assistant Secretary James:

The purpose of this letter is to express support for the announced withdrawal of the U.S. Army Corps of Engineers' proposed rulemaking, *Policy for Domestic, Municipal, and Industrial Water Supply Uses of Reservoir Projects Operated by the Department of the Army, U.S. Army Corps of Engineers* (RIN: 0710-AA72; Docket ID: COE-2016-0016). Since 2013, the Western Governors' Association (WGA) has expressed concerns – through comments, letters, and congressional testimony – on the substance of the proposed rule as well as the process by which it was developed.

The proposed rule, which was launched under the prior Administration, threatened to interfere with states' primary authority to manage and allocate water resources within their boundaries. In addition, the Corps promulgated the rule without genuine consultation with state officials and without properly acknowledging the various federalism implications the proposed rule would have had if finalized. You recognized these deficiencies in a September 23, 2019 Memorandum in which you directed the Corps to "halt issuing a final Water Supply Rule for a minimum of six months" and to "continue the ongoing consultation and coordination" with appropriate states, tribes, and stakeholders. The announced withdrawal of the proposed rule is a welcome outcome of the Corps' reevaluation.

States have a vital role in the implementation of several Corps programs, due to states' inherent and sovereign authority over water resources, as well as their statutory role as co-regulators under the federal Clean Water Act. Western Governors applaud the Administration for its withdrawal of this proposed rule and look forward to continuing to work with you to strengthen state-federal partnerships and to ensure that all Corps reservoirs are operated in compliance with state and federal law.

Sincerely,

James D. Ogsbury
Executive Director