



January 5, 2026

Environmental Protection Agency
United States Army Corps of Engineers
EPA Docket Center – Water Docket
Mail Code 28221T
1200 Pennsylvania Ave, N.W.
Washington D.C. 20460

RE: EPA Docket Number EPA-HQ-OW-2025-0322

To whom it may concern:

Thank you for the opportunity to provide comments on the proposed definition of “waters of the United States.” I appreciate the Administration’s efforts to provide greater consistency, predictability, and clarity in Clean Water Act implementation—objectives that are critically important to farmers, landowners, conservation partners, and state agencies in Iowa.

The Iowa Department of Agriculture and Land Stewardship (IDALS), in coordination with Governor Kim Reynolds, the Iowa Department of Natural Resources (DNR) and the Iowa Department of Transportation (DOT), has already submitted formal comments on this proposal. I am writing separately to underscore and expand upon several issues of particular importance to Iowa agriculture, especially as they relate to drainage infrastructure and wetland construction and restoration.

In Iowa, many historical streams have been converted over time into engineered agricultural drainage ditches. These channels were often dredged or dynamited, heavily incised into their floodplains, and constructed with steep, engineered side slopes. In other areas, historical streams never existed at all, but drainage ditches were constructed solely to support agricultural production. **Ditches that exist because of tile drainage – and documentation exists to demonstrate they have been substantially altered from historical conditions and are now being evaluated or improved as part of conservation or restoration efforts – should not be considered waters of the United States, particularly where such features do not function as natural streams independent of artificial drainage infrastructure.**

The proposed definition of “tributary” could be interpreted to classify these agricultural drainage ditches as jurisdictional due to the conveyance of “relatively permanent flow”. Iowa has an extensive network of artificial subsurface drainage tile designed to remove excess precipitation, maintain healthy soils, and prevent prolonged periods of elevated groundwater tables. In some cases, tile drainage can cause surface ditches or channels to flow “relatively permanently.” **For drainage features that are maintained, modified, or**

repurposed as part of conservation, wetland construction or restoration, or water quality improvement projects, the proposed rule should clearly state that flow regimes driven by artificial drainage infrastructure do not create federal jurisdiction and that such features are excluded from the definition of WOTUS.

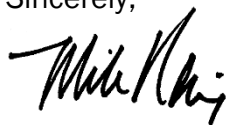
Additionally, there should be clear recognition that drainage ditches historically constructed in wetlands can be reverted back to wetlands. Federal policy should not discourage these outcomes, which unfortunately has been the case in the State of Iowa for close to the last decade. Wetland restoration and wetland creation efforts are priorities in Iowa, and regulatory uncertainty around jurisdiction and permitting can be a significant barrier to landowners who want to support these efforts. **Explicitly recognizing the ability to revert historically drained areas to wetlands would help support voluntary conservation efforts.**

Regarding the definition of “wet season”, IDALS recommends clarity in a manner that recognizes the substantial variability in climate, hydrology, and precipitation patterns across the United States. A single, uniform federal definition risks being either overinclusive or underinclusive when applied to diverse regional conditions, thereby creating regulatory uncertainty and potential misapplication. **EPA and the Corps should instead allow each state to define “wet season” based on state-specific climatological data and scientifically grounded recommendations from qualified climatologists. Importantly, the definition should explicitly require that water be present for the *entire duration* of the state-defined wet season, rather than for intermittent or isolated periods within that timeframe.** This clarification would ensure determinations are informed by long-term precipitation records, seasonal soil moisture trends, and regional hydrologic patterns, promote scientific accuracy, improve consistency within states, respect principles of federalism, and result in more defensible and predictable jurisdictional determinations under the Clean Water Act.

Finally, while not directly tied to the jurisdictional definition of WOTUS, I strongly encourage the U.S. Army Corps of Engineers and EPA to exempt conservation practices from mitigation requirements where those practices result in an overall ecological lift. Conservation practices implemented through state and federal programs deliver measurable water quality, habitat, and flood mitigation benefits, and they should be encouraged rather than burdened by duplicative or unnecessary mitigation obligations.

Thank you again for your work to provide clarity and consistency in Clean Water Act implementation. Iowa stands ready to continue working with EPA and the Corps to ensure that federal policy supports both environmental stewardship and the long-term viability of agriculture.

Sincerely,



Mike Naig
Iowa Secretary of Agriculture

