

**From:** Mike Hyde  
**To:** [CWAwotus](#)  
**Cc:** [Hanson, Andrew](#); [jufner](#); [Gregory Todd](#); [Ken Burdick](#); [Ron Winterton](#); [Celeste Maloy](#); [Rex L. Sacco](#); [Meier, Cheryl](#); [Doug Smith](#); [Jack Lytle](#)  
**Subject:** Waters of the US  
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**Attachments:** [WOUS-Definition Comments.doc](#)

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On behalf of the Duchesne County Commissioners, we appreciate the opportunity to contribute thoughts in today's Federalism Consultation webinar.

As I stated during the comment period today, Duchesne County was one of many counties across the nation that objected to the heavy-handed regulatory approach of the previous administration (see our November 2014 comment letter attached).

Over-regulation in this country over the past 8 years has cost this nation thousands of jobs, which were transferred overseas to avoid such burdens. It is one of the reasons that we have President Trump in the White House today.

We support a withdrawal of the 2015 WOTUS rule and a common-sense approach to developing a new rule. We believe that the intent of the CWA was to regulate navigable waters or streams that carry flow throughout the year except during periods of extreme drought ("relatively permanent waters" in the Scalia opinion) and that wetlands should be considered WOTUS only if they directly touch a jurisdictional water.

Duchesne County's economy relies on the oil & gas and agricultural industries. It would be a significant blow to our economy if dry washes, which see water only during brief periods of snow melt and thundershowers, are considered WOTUS. Energy companies are already heavily regulated and find it difficult to do business on federal lands in our region. Also, many agricultural lands contain ditches and wetlands that collect irrigation water. Subjecting such waters to federal regulation would add to the burdens on farmers locally and nationwide.

The 2015 rule also impacted the County directly in that many roadside ditches may seasonally contribute water to intermittent streams. The 2015 rule would add to the cost of constructing and maintaining county roads and drainage facilities in the future.

Duchesne County does not believe in a "one size fits all" regulatory scheme, whether it comes from our state or federal government. Such schemes often don't work well at the County level either. For that reason, we identify "zones" in which different land use regulations apply.

The comments during today's webinar underscore the fact that regulations that may make sense in the Southeastern US will likely not make sense in the Intermountain West. Most of the populated areas of our county receive about 10 inches of precipitation annually. Wetter areas of the country, with more extensive surface hydrology, should be treated differently. A regional approach to regulation and management should be considered. Perhaps this approach could be based on climatic zones or drainage basins (such as the Colorado River Drainage Basin in our area) rather than jurisdictional boundaries? We believe that this concept of a regional approach deserves further study.

Thank you for the opportunity to comment! We look forward to additional opportunities to review proposals in the future.

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