

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1803**

January 25, 2021

President Joseph R. Biden Jr.  
President of the United States  
1600 Pennsylvania Ave. NW  
Washington DC 20500

President Biden,

Sir, respectfully, the farmers and ranchers of America object to your Presidential memorandum that freezes the regulatory actions of the final rule on the Navigable Waters Protection Rule: Definition of “Waters of the United States” (WOTUS) from the Environmental Protection Agency (EPA) and Corps of Engineers (Corps). The action taken by your administration puts the livelihoods and future of thousands of farmers and ranchers in jeopardy.

Since the 2015 inception of WOTUS, this rule has been litigated over 25 times in federal courts over the last six years due to its far-reaching government control, vague enforcement actions, and detrimental impact to the agricultural community. The 2015 WOTUS rule expanded the definition to include not only all waters in America, but even areas that are dry land for most of the year. That includes fields that have low spots that collect small amounts of water and common farm ditches and ponds. This expansion led to broad confusion among the agricultural industry as to what would be regulated, and it trampled over the rights and regulations provided by states.

Farmers and ranchers are conservationists. They spend each and every day tending to their land so that we, as a nation, can feed, clothe, and fuel a growing world. Louisiana farmers, particularly our rice and sugarcane producers, have a long history of knowing their land and how it works. Over the last 30 years, the agricultural industry has made crucial adjustments so that their land is more sustainable and productive. During this time period, the rice industry has increased land efficiency by 39%, while at the same time, reducing energy use by 34%, greenhouse gas emissions by 41%, and water use by 52%.

After many years of debate, litigation, and outreach by federal agencies to numerous stakeholders, the EPA and Corps finally released the Navigable Waters Protection Rule (NWPR) to replace the original WOTUS rule. Specifically, the NWPR provided much-needed clarity regarding Prior Converted Cropland. This new rule was praised by many members of the agricultural community around this country, from ranchers in Nebraska to rice producers in Louisiana, for taking a practical approach that promotes safe environmental standards with fair and balanced regulatory authority between states and the federal government.

This clearer understanding regarding which bodies of government have the regulatory authority and what is regulated gives our farmers and ranchers the necessary certainty for future planning and production. Additionally, through the NWPR, farmers and ranchers are empowered to implement sustainable conservation practices on their land. I strongly urge you to reconsider this regulatory freeze so that our agricultural community can become part of the solution in providing a cleaner environment, instead of being labeled as the problem.

Respectfully,

A handwritten signature in blue ink that reads "Clay Higgins". The signature is fluid and cursive, with the first name "Clay" being larger and more prominent than the last name "Higgins".

Clay Higgins,  
Member of Congress