

June 27, 2017

Honorable Senator John Boozman,  
Honorable Senator Tom Cotton,  
Honorable Representative Rick Crawford,  
Honorable Representative French Hill,  
Honorable Representative Steve Womack,  
Honorable Representative Bruce Westerman,

It appears that the Environmental Protection Agency (EPA) has *failed to officially notify our elected local government officials and federally recognized Indian tribes* on the waters of the United States (WOTUS) rulemaking revision. Executive Order 13778 was signed by President Trump on February 28, 2017 rolling back the overreach of the 2015 Clean Water Rule.

EPA should have officially notified the elected local government officials directly, but according to our research, this was not done. EPA must consult directly with Indian tribes and elected state and local government officials, not some national organization that does not represent the will of the people. Because of this EPA breakdown, the elected local government officials were NOT officially notified. Also, it appears that EPA did not consult with the Indian tribes, either.

**The EPA didn't even officially notify the Arkansas counties which have a Land Use (Management) Plan (LUP)! For example: Newton County has a Land Use Plan, and they were not officially notified regarding EPA's request for input from state and local officials regarding WOTUS. Isn't this directly in violation of the National Environmental Policy Act (NEPA)?** The federal government must attempt to reconcile its federal decisions with the local governments, especially those that have LUPs. From the evidence that we have gathered, Secure Arkansas suspects this non-notification in other counties across the nation, too. It appears that NACo did not officially notify counties across the country.

Congress must get involved to change the process whenever federal agencies are dealing with local government entities. Presently, the agencies are dealing with national non-governmental organizations (NGOs) instead of the local government entities. This is not good nor is it an accepted practice. The agencies **MUST** deal directly with local government entities when they are affected and leave the NGOs out of the picture. (The NGOs are not elected and therefore should have no input into anything that affects the local government.)

[NEPA of 1969](#) was created to ensure that federal agencies consider the environmental impacts of their actions and decisions. NEPA **Section 101 [42 USC § 4331] (a)**  
**“Declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments”**

NEPA Section 101(b) states "it is the continuing responsibility of the federal government to use all practicable means, consistent with other essential considerations of national policy" to avoid environmental degradation, preserve historic, cultural, and natural resources, and "promote the widest range of beneficial uses of the environment without undesirable and unintentional consequences".

**What are you going to do about the EPA failure to officially notify the elected local governments on the waters of the United States (WOTUS) rulemaking revision?**

Secure Arkansas needs your help in directing EPA to *contact directly* all elected local government officials and all the federally recognized Indian tribes. Presently, EPA has chosen to bypass the elected local officials and work with national organizations (NGOs) instead.

The problem lies with whomever EPA was consulting, be it the state and local government officials, or their representatives of the national organizations and the federally recognized Indian tribes. The bottom line is: it appears that the local government and the federally recognized Indian tribes were never officially notified.

In the future, Secure Arkansas will encourage local governments to learn to determine how they could deal with the federal agencies.

Listed below are the ten counties in Arkansas which passed a resolution in their quorum courts dealing with this matter. It has concerned local government all over Arkansas, and they see the need to support President Trump's Executive Order 13778 regarding the definition of "navigable waters" under WOTUS and the Clean Water Act. Again, President Trump's EO supports rolling back the overreach of the 2015 Clean Water Rule.

[Craighead County](#)  
[Boone County](#)  
[Fulton County](#)  
[Greene County](#)  
[Lawrence County](#)  
[Newton County](#)  
[Randolph County](#)  
[Searcy County](#)  
[Sebastian County](#)  
[Stone County](#)

Please stay in contact with Secure Arkansas, as we are getting an unprecedented amount of calls about this issue at this time. You may reply to our email, and you may also reach us at our mobile numbers:

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Jack Abrahamson, State Coordinator 870-214-1100

Securing the blessings of liberty,

Secure Arkansas

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