



April 23, 2025

U.S. Environmental Protection Agency
EPA Docket Center, Water Docket
Mail Code 2822IT
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: WOTUS Notice: The Final Response to SCOTUS; Establishment of a Public Docket; Request for Recommendations

Docket ID No. EPA-HQ-OW-2025-0093; FRL-12683-01-OW

A. Identity of Commenter

The Golf Course Superintendents Association of America submits these comments in response to the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) request for recommendations on the implementation of the definition of “Waters of the United States” (WOTUS) under the Clean Water Act (CWA).

GCSAA is the professional association for the men and women who manage and maintain the game’s most valuable resource — the golf course. The golf industry recognizes the association as a key contributor in elevating the game and business. Since 1926, with a focus on golf course management, GCSAA has been the top professional association in the United States and worldwide. Headquartered in Lawrence, Kan., it provides education, information and representation to more than 20,000 members in more than 72 countries. Its mission is to serve its members, advance their profession and improve communities through the enjoyment, growth and vitality of the game of golf.

Golf is a major industry -- mostly comprised of small businesses -- with a profound positive impact on America’s economic, environmental and social agendas. Golf’s economic engine *contributes \$101.7 billion annually* to the American economy. Nearly 2.1 million American jobs are tied to the golf industry. The sport offers the opportunity for Americans to improve their fitness and the game generates \$4.6 billion annually for charity. More than 73 percent of golf courses in the United States are public facilities.

Golf courses are among the few sport facilities that are fully integrated into the natural environment. The design, construction and maintenance of each golf course is based on respecting the inherent characteristics of its environment and the management of every course is based on the stewardship of that environment.



B. Requested Information by EPA and Army Corps of Engineers

GCSAA supports clarifying the scope of the Clean Water Act over (1) “relatively permanent waters”; (2) wetlands with a “continuous surface connection” to a WOTUS; and (3) ditches. The United States Supreme Court in Sackett v. Environmental Protection Agency limited a WOTUS to (1) traditional interstate navigable waters; (2) relatively permanent bodies of water connected to traditional interstate navigable waters; and (3) wetlands that have a continuous surface connection to (1) or (2). Continuous surface connection meant the wetland and waterway must be “indistinguishable”. Unfortunately, the Amended 2023 Rule issued subsequent to Sackett stated that a surface connection could be established with a [“discrete feature like a non-jurisdictional ditch, swale, pipe or culvert”](#).

This lack of clarity impacts golf operations. Of the 146 acres on an average golf course, 5.7 are streams, ponds, lakes and/or wetlands. Water features account for an approximate total footprint of 141,746 acres of the 2+ million acres golf courses provide nationwide.

“Relatively Permanent” Waters:

The complexity and ambiguity of the term causes great confusion and uncertainty in the regulated community. We agree that a more easily understood regulatory policy should be implemented at the federal level. Because of the environmental variation and complexity across the U.S. for items such as flow, duration, etc. we first and foremost respectfully request the agencies limit the federal regulatory authority over relatively permanent waters to perennial waters – those with year-round flow – to eliminate any issues of ambiguity or uncertainty. This will make regulatory compliance a straight-forward matter, allow the regulated community to act in an informed and good faith manner and, allow the states to govern the rest of waters and the connectivity. We believe that the states know their environment and what’s best in terms of their needs and what their key issues are.

Flow Regime, Flow Duration and Seasonality Regarding Relatively Permanent Waters:

Should the agencies decide to include intermittent waters in the definition of a relatively permanent water, we request they keep the definition simple. Should the proposed rule incorporate jurisdiction over intermittent streams, then the golf industry believes that the definition of intermittent flow should be more clearly defined. The definition should focus on 90 consecutive days of continuous flow and/or inundation and not on volumetric considerations such as the average annual flow volume of greater than “Y” cubic feet per second. The definition would not include the traditional physical characteristics such as the ordinary highwater mark, debris, etc.



GCSAA encourages the EPA and Corps to consider issues surrounding determining flow due to the lack of a central and complete data source on stream flows especially for those drainages in question. The agencies should consider the costs associated with determining flows by landowners for every drainage in order to determine jurisdiction. Allowing the jurisdiction determination to be based upon observations of continuous flow and/or inundation over 90 days can be supported by local historical weather data (rolling 30-year period), drainage areas, precipitation and a basic aquatic life assessment (when available). The agencies should consider similar processes used by many states to determine water use/water rights and allocations.

Adjacent Wetlands and a Continuous Surface Water Connection:

GCSAA as a member of the Waters Advocacy Coalition agrees that the EPA and Corps must define the definition of “adjacent” to clarify that wetlands are under federal jurisdiction only when they are indistinguishably part of another WOTUS. The Supreme Court in Sackett held to be considered a WOTUS, a wetland must be “indistinguishable” from a river, stream, or lake due to a “continuous surface connection”. A clear reading of the word “continuous” would mean that any break in a surface connection, either natural or man-made, removes a wetland from federal jurisdiction. Unfortunately, the Amended 2023 Rule issued subsequent to Sackett stated that a surface connection could be established with a [“discrete feature like a non-jurisdictional ditch, swale, pipe or culvert”](#). GCSAA appreciates the recent [Memorandum](#) between the EPA and Corps clarifying the implementation of “continuous surface connection”. However, regulatory language is needed to ensure a uniform, nationwide definition.

Ditch Exclusion

GCSAA as a member of the Waters Advocacy Coalition concurs that the Agencies should exclude ditches from federal jurisdiction unless they convey perennial flow to downstream traditional interstate navigable waters and were constructed in a WOTUS or relocate or alter a WOTUS. Golf courses are designed to manage water flow from precipitation, irrigation and in some cases from the neighboring properties. And this is generally controlled through manmade structures and ditches. Ditches and channels that are not jurisdictional (carrying perennial streams or relocate a WOTUS) must be clearly defined and exempted.

Many water features and ditches on golf courses have been created in upland situations and in fact manage stormwater from developed areas or incorporate the management of recycled water for irrigation from these areas. Others either incorporate natural water features or may be located in floodplains with similar purposes for stormwater management, irrigation, drainage, etc. These ditches or other conveyances may distribute flows across upland features or may be tied to a jurisdictional stream. Previously an outfall structure from a ditch or similar conveyance that is tied to a jurisdictional stream and within the limits of the ordinary highwater mark may have led to the ditch or conveyance as jurisdictional.



Once developed a golf course or other landscape can be impacted by future development within its watershed or drainage area where impervious areas increase and thereby impact the landscape requiring the need for additional features and ditches/conveyances. Some may need to be tied to a jurisdictional water. GCSAA requests the Agencies to properly exclude those ditches and similar conveyances that are used for water management (stormwater, irrigation, flood, etc.) and are not waters of the U.S. as described herein (wetlands, tributaries, etc.).

Exclusion for Lakes and Ponds

As the Agencies deliberate these terms and possible changes, GCSAA asks that they clearly exempt lakes and ponds that are artificial, ornamental, or provide for irrigation, water management or stormwater management. Golf course superintendents must be able to manage water flow on a golf property. We do so with the backing of millions of dollars of investments in research, our expansive stewardship efforts and the professional land management training that is focused on the protection of the environment as an industry. Golf properties will still be governed by the states, eliminating the need for duplicate regulation.

The EPA, Corps and associated organizations should provide easy to understand regulation and policy that enables land managers to achieve success. As a responsible industry, golf course superintendents utilize science based agronomic and environmental best management practices related to golf course management.

The golf industry is committed to professional golf course design and management including water quality protection, water management and the use of other natural resources as part of our environmental stewardship efforts. Our comments are submitted consistent with that commitment and acknowledgement of the importance of the CWA in protecting and restoring surface waters in this country. EPA and the Corps are urged to consider these comments and to closely consider taking the actions described herein.

C. Golf Facilities: Science-based Design, Agronomic Practices and Environmental Management

The golf industry has long-standing support through university based agronomic and environmental research that has developed best management practices for design, construction and golf course management. Additionally, these research and best management practices are supplemented by professional education that separates the golf industry from others engaged in development and land management activities. The golf industry implements these best management practices when designing, building/reconstructing and managing a golf facility to ensure successful environmental protection, use of natural resources, healthy landscapes, and



business operations. Essentially, golf exists within and depends upon a healthy environment including water quality.

Golf courses that implement best management practices provide for healthy turfgrass and quality playing surfaces that in turn provide for environmental protection, recreational/social benefits and economic benefits. Golf courses are valuable greenspaces in any watershed or community.

D. Understanding Golf In the Watershed

Water is vital for the health, beauty, and economic vitality of golf courses. One only has to look at how a golf course functions to understand the critical role water plays. It is typical for water features to be designed or utilized as an integral part of a course to both enhance the golf experience and serve as storage features for irrigation water. Golf courses have been designed to take advantage of the availability of waters to both enhance the golf experience and provide much needed water for course activities.

Golf courses are designed as a water conveyance system in order to best manage surface water flow from stormwater, flood, or irrigation flow through either natural or man-made conveyances. These waters are conveyed, stored, and/or utilized for irrigation or filtering purposes. Golf courses are also designed to collect runoff from adjacent properties for flood control and pollution prevention. Courses use this runoff as an irrigation source as well. Courses also use reclaimed water to help water purveyors manage excess recycled water. The course irrigates with this water providing filtration and an economical solution for disposal of reclaimed water.

The development of a golf course is a complex process. Qualified professionals provide the expertise necessary to create design solutions for golf courses that are compatible with the environment. A golf course presents the opportunity to meet a need for recreational amenities, while preserving green space that will provide benefits for the future development of an area. Often the green space of a golf course can serve as a protective buffer between sensitive environmental areas and adjacent development. This buffer, which contains extensive turfed areas and vegetation, will also protect water quality by providing soil erosion stabilization and storm water management. Efficient and responsible maintenance practices for the golf course will promote the proper use and conservation of water resources. A golf course can provide enhancement to the environment by incorporating areas for conservation and the promotion of wildlife habitat. Where land has been degraded over time by intensive use or mismanagement, golf courses can provide much needed land improvement. These are benefits that can result when an environmental approach is used for the design, construction and maintenance of a golf course. (Love, William, 2008, *An Environmental Approach to Golf Course Architecture*,



American Society of Golf Course Architects)

Architects develop balanced, functional designs through an intense site analysis which includes a detailed report and mapping of a site to identify any and all assets and liabilities. The goal is to identify, avoid, protect or mitigate any protected resources, or better yet, find a way to enhance them by using less valuable ground or space. Future planning and construction are guided by the results of this research and analysis.

Necessary permits and approvals are sought once a plan is in place. Regulatory permitting may be necessary during course design, development, renovation and construction and can involve federal, state and occasionally local level regulatory agencies. This work typically includes jurisdictional determinations from the Corps before proceeding as well as obtaining individual or general permits. The 2015 Rule could have dramatically increased development and operational costs beginning at the earliest stages of the design or master planning process when a site assessment is being done to determine if a new golf course will be physically, environmentally and economically possible and sustainable, or an existing course can improved to a higher standard.

After design, construction and grow in, golf course maintenance/agronomic practices follow. These activities typically do not require federal permitting and jurisdictional determinations. Pest control measures and nutrients used on a golf course are tools that help ensure a healthy playing surface for the game. Furthermore, they help protect a valuable and ecologically important piece of land and adjacent waters.

With this as background, the scope of CWA jurisdiction is of fundamental importance to the golf industry. Changes to CWA regulations that would change the scope of federal jurisdiction will have substantial effects on the ability to finance and develop new projects and perform routine maintenance. Defining WOTUS within the CWA should be very succinct and clearly understood to avoid unnecessary impacts to golf course operations. Providing for a sustainable definition of WOTUS is paramount. The definition literally impacts millions of additional people beyond those in this segment of the recreation industry. A final rule may bring forth litigation, thereby exacting heavy legal fees and costs, and the delays and uncertainties of the judicial process. Such a potential outcome should be avoided.

E. Golf Industry Final Comments

Environmental sustainability is at the heart of golf course design, construction and management. Sustainability in golf is about ensuring profitable operations while making decisions that are in the long-term interest of the environment and communities. The aim is to continue to make improvements through golf courses that professionally and properly



designed, constructed and managed to conserve resources, reduce inputs and waste and provide playing conditions that satisfy today's golfers, as well as those in the future. The golf industry has also sought to work cooperatively with EPA and with States, and continues to ask that a more limited, and positive regulatory approach be ultimately adopted.

Golf courses are designed to protect the chemical, biological and physical properties of surface waterbodies. The design, construction and operational management practices ensure this. The golf industry promotes agronomic BMPs to protect water quality. Excessive regulation can impact all of this. It's difficult to stay in business with expansive and overly burdensome regulations.

The golf industry supports the proper implementation of the CWA and supports the goals of the CWA itself. Golf courses are designed to accommodate surface runoff through natural landscaping, implementation of structural BMPs (bio-swales, detention basins, ponds, etc.) for drainage/stormwater filtering, and complex drainage systems. Golf courses function as greenspaces providing solutions for brownfields and stormwater-related impacts within urban landscapes. In addition, a golf facility that utilizes agronomic and environmental best management practices is a professionally managed landscape that functions as valuable greenspace in any watershed. Turfgrass and other associated features on the golf course (90% of an 18-hole golf course is valuable greenspace) help to filter pollutants.

We appreciate the opportunity to comment on these issues which have such a potentially significant impact on our industry. We request the agencies look at how the proposed rule will affect an industry largely comprised of small business members who strive to enhance the environment as they also make important contributions to the economy.

We applaud EPA and the Corps for issuing a proposed new definition of WOTUS that is more consistent with the available science and with the limits established by Congress and recognized by the Supreme Court. We greatly appreciate that we are working toward a rule that has more clarity, predictability and consistency while respecting the role of the states and tribes in protecting the nation's water resources.

The golf industry looks forward to working with the Agencies to pursue what we believe are common goals. Please forward any questions or comments to Chava McKeel, GCSAA Director of Government Affairs, by phone at 800.472.7878, ext. 3619, or by e-mail at cmmckeel@gcsaa.org, or direct mail at GCSAA, 1421 Research Park Drive, Lawrence, KS, 66049.

Thank you for considering these comments and recommendations.



Sincerely,

A handwritten signature in black ink that reads "Chava E. McKeel". The signature is fluid and cursive, with a long horizontal flourish at the end.

Chava E. McKeel