



January 5, 2026

Ms. Stacey Jensen  
Oceans, Wetlands and Communities Division  
Office of Water (4504-T)  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Mr. Milton Boyd  
Office of the Assistant Secretary of the Army for Civil Works  
Department of the Army  
108 Army Pentagon  
Washington, DC 20310

*Submitted via regulations.gov.*

**Re: Environmental Protection Agency's and U.S. Army Corps of Engineers' Proposed Rule, Updated Definition of "Waters of the United States", Docket ID No. EPA-HQ-OW-2025-0322**

Dear Ms. Jensen and Mr. Boyd:

The Golf Course Superintendents Association of America (GCSAA), in partnership with the golf industry, offers the following comments on the Environmental Protection Agency and U.S. Army Corps of Engineers (the Agencies) proposed revised definition of Waters of the United States (WOTUS) under the Clean Water Act (CWA), Updated Definition of Waters of the United States, 90 Fed. Reg. 52,948.

The golf industry thanks the Agencies for providing this opportunity to provide comments on proposed revisions to the WOTUS rule designed to protect and guard the integrity of the nation's prominent waters and waterways. We appreciate your efforts to modify this rule to make it more effective and with that preface, we humbly provide the following comments for your consideration.

The Golf Course Superintendents Association of America (GCSAA) is a leading golf organization in the United States. Its focus is on golf course management, and since 1926 GCSAA has been



the top professional association for the men and women who manage golf courses in the U.S. and worldwide. From its headquarters in Lawrence, Kan., the association provides education, information and representation to 20,000 members in more than 78 countries. The association's mission is to serve its members, advance their profession and improve communities through enjoyment, growth and vitality of the game of golf.

Golf is a major industry -- yet largely 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 economy. Over 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 75 percent of golf courses are public facilities in the United States.

The golf industry represents many small businesses – golf facilities – all of which are directly impacted by the economy, including the effects of government regulation. We are eager to provide comments to this proposed rule. The golf industry recognizes and supports many of the positions taken by other organizations on this rule, such as the Waters Advocacy Coalition (WAC) and the Responsible Industry for a Sound Environment (RISE) to the extent that they offer helpful insight of the proposed rule.

GCSAA thanks the Agencies for clarifying the scope of the Clean Water Act, especially over the (1) tributaries; (2) wetlands; and (3) ditches that are found on, over, or near our nation's 15,000+ golf courses. 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, questions remain as to whether certain waterways are in fact a WOTUS.

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.

GCSAA generally supports the updated definitions within the proposed rule. Our comments focus on those areas where additional clarity is needed.



Cooperative Federalism: As WAC notes in its comments, the CWA “reflects Congress’ intent to balance state authority over land and water resources within their borders against the need for nationwide water quality regulation”. GCSAA agrees that a durable definition of WOTUS must respect this federal/state partnership and not negatively impact state’s primacy over land and water use.

## **I. Traditional Navigable Waters & Interstate Waters**

The Agencies do not propose to change the scope of the traditional navigable waters (“TNWs”) category under paragraph (a)(1)(i) of the regulatory definition.

GCSAA supports WAC’s recommendation that the proposed regulatory text for the (a)(1) Traditional Navigable Waters category be amended to read: “waters which are currently used, or were used in the past, or may be susceptible to use **to transport** interstate or foreign commerce, including the territorial seas and waters which are subject to the ebb and flow of the tide” (emphasis added). This additional language strengthens the importance of **navigability** in traditional navigable waters.

GCSAA agrees with the Agencies’ proposal to remove interstate waters as a standalone category of WOTUS. Interstate waters would be a WOTUS only if they qualify under another jurisdictional category under the Proposed Rule (e.g., TNWs, relatively permanent tributaries, or adjacent wetlands).

## **II. Tributaries**

The Agencies propose to define “tributary” to mean “a body of water with relatively permanent flow, and a bed and bank, that connects to a downstream [TNW] or the territorial seas either directly through one or more waters or features that convey relatively permanent flow.” The Agencies further explain that “lakes and ponds may be considered a tributary” if they meet the relatively permanent standard.

As stated in prior comments submitted to the Agencies, the golf industry first and foremost respectfully requests the Agencies limit the federal regulatory authority over tributaries to perennial waters – those with year-round flow – to eliminate any issues of ambiguity or uncertainty. This will make regulatory compliance a straightforward matter; allow the regulated community to act in an informed and good faith manner; and allow the states to govern the rest of surface waters.



Effective rule writing and policy making must start with clear-cut definitions and designations that leave no doubt about whether an entity is subject to the rule or policy. To do otherwise, is to leave the rule open to uncertain and possibly unintended interpretation by attorneys and special interest groups that lack objective expertise in the area. It also leaves the rule subject to interpretations that can swing wildly (and in a way that is frankly unmanageable) as changes in federal administrations occur. This outcome serves nobody.

If the Agencies do not move in the direction of setting the federal jurisdictional line at perennial waters, the golf industry supports WAC's recommendation that the Agencies simplify the regulations by combining the (a)(3) tributary category with the (a)(5) category for lakes and ponds.

The combined (a)(3) category could state: "Rivers, lakes, streams, and ponds that are relatively permanent, standing, or continuously flowing bodies of water and that connect to waters identified in paragraph (a)(1), either directly or through one or more waters or features that convey relatively permanent flow."

### **III. Implementation of "relatively permanent"**

The Agencies propose to define "relatively permanent" to mean "standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.

To determine whether a particular feature is relatively permanent, a landowner must (1) identify the wet season months; and (2) determine whether surface water is standing or continuously flowing for a period of time that is at least as long as the duration of the wet season.

Definition of wet season: The Preamble states the phrase "at least during the wet season" is "intended to include periods of predictable, continuous surface hydrology occurring in the same geographic feature year after year in response to the wet season, such as when average monthly precipitation exceeds average monthly evapotranspiration.

To identify the wet season months, the Agencies propose landowners to rely on the Corps Antecedent Precipitation Tool (APT) which in turn relies on metrics from the Web-based Water-Budget Interactive Modeling Program (WebWIMP).



Golf course superintendents surveyed were not familiar with the Web-based Water-Budget Interactive Modeling Program (WebWIMP) and more education and training and implementation practice would need to be provided by the Agencies if this were to be ***one of the tools*** they could use to help them determine the wet season.

Golf course superintendents have expressed comfort and familiarity with weather stations and other weather apps, and these tools could provide reliable data on the duration of wet seasons. Golf course weather stations and other associated weather apps are crucial tech tools that provide real-time, on-site data (temp, humidity, wind, rain, solar radiation) to help superintendents precisely manage irrigation, schedule maintenance, apply chemicals safely, and ensure golfer safety with lightning alerts, optimizing turf health, playability, and resource use by calculating evapotranspiration (ET) and integrating with smart course systems. Golf courses determine their "wet season" by tracking rainfall, soil saturation, and grass health using sensors, historical data, and expert judgment, focusing on periods of *excessive* water (making it unplayable/damaging) vs. healthy growth, with cool-season grasses thriving in spring/fall, and warm-season grasses in summer, but heavy rain always brings closure risks. We respectfully request that the Agencies include a couple of other wet season assessment tools that are more appropriate for the golf industry to use to help them determine their wet season.

In part 2 of the relatively permanent test, to determine whether surface water is standing or continuously flowing for a period of time that is at least as long as the duration of the wet season, the Agencies are recommending that direct observations of hydrology, e.g., stream gauges, game cameras, or other equipment capable of providing real-time flow measurements or photographs, is the most reliable way to verify if a feature has relatively permanent flow. And when such observations and data are unavailable, the Agencies' are proposing a "weight of the evidence" approach to determine relatively permanent flow by considering multiple indicators, data points, and sources of information.

The Agencies must work directly with the golf industry to identify a hierarchy of tools that are and could be used by the golf industry to determine specific flow measurements that are easy to use and not cost prohibitive. The implementation of this rule should not be a financial burden on golf facilities.

Finally, in the proposed rulemaking, the Agencies are suggesting that regional streamflow duration assessment methods ("SDAMs") be available tools for determining flow duration. The



golf course superintendents we surveyed are not familiar with SDAMs and WAC is suggesting they are not appropriate for implementation purposes.

#### **IV. Adjacent Wetlands**

The Supreme Court in Sackett held that 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 connection, either natural or man-made, removes a wetland from federal jurisdiction. Unfortunately, that has not always been the case. GCSAA supports the Agencies’ proposed definition that jurisdictional wetlands must have “surface water at least during the wet season and [abut or touch] a jurisdictional water. Features such as dikes, berms, and underground pipes sever connectivity.

The agencies also solicit comment on an approach where culverts which serve to connect wetland portions on either side of a road do not inherently sever jurisdiction, but only when the culvert carries relatively permanent water.

Culverts play a critical role on the golf course by providing a controlled and intentional means of conveying surface water across roadways, berms, and other linear infrastructure. When properly designed and installed, culverts prevent these features from functioning as unintended dams that can disrupt natural hydrologic patterns, increase upstream flooding, and cause prolonged inundation of adjacent lands—particularly sensitive wetland areas.

Rather than allowing roadways or berms to obstruct flow and create back-building stormwater conditions, culverts offer a mechanism to regulate both the direction and timing of water movement. In flood or high-runoff events, a culvert can intentionally slow downstream discharge and allow water to temporarily back up into designated upstream areas. This controlled, short-term storage helps reduce peak flows, limit erosive forces, and protect downstream infrastructure and ecosystems until conditions allow surface water to safely recede.

For these reasons, we support regulations and permitting frameworks that recognize culverts as temporary and functional hydrologic boundaries, rather than permanent impoundments. Areas where water is intentionally and temporarily held upstream of a culvert—should not automatically be classified as surface water or regulated wetlands, unless the culvert carries relatively permanent water. Such an approach acknowledges the practical realities of water



management, supports responsible construction practices, and ensures that regulatory oversight remains focused on true, lasting hydrologic impacts rather than temporary, controlled conditions.

#### **V. Ditch Exemption and other Exemptions**

GCSAA supports excluding “non-navigable ditches...that are constructed or excavated entirely in dry land, even if those ditches have relatively permanent flow and connect to a jurisdictional water”. 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.

As stated in previous comments, as the Agencies deliberate terms and possible changes, GCSAA asks that you clearly exempt lakes and ponds on golf courses 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. They do so with the backing of millions of dollars of investments in research, 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.

#### **Final thoughts**

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 supports the proper implementation of the CWA and supports the goals of the CWA itself. 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, architects and builders utilize science based agronomic and environmental best management practices related to golf course management. The golf industry appreciates the efforts of the EPA and Corps to continue to create a definition of



WOTUS that is not all encompassing of water features and better defines which water features are subject to federal jurisdiction.

We appreciate the opportunity to comment on these issues which have such a potentially significant impact on our industry. Determining a WOTUS is a complex issue. We request the Agencies look at what their proposed rule is doing to an industry largely comprised of small business members who strive to enhance the environment as they also make important contributions to the economy and environment. We continue to want to work with the Agencies after the rule becomes final to make sure this is a durable rule that can be implemented by our industry. The Agencies need to collaborate with the golf industry to identify tools that are appropriate to determine whether a surface water on a golf property is a relatively permanent water. Land managers must understand which water bodies are covered without requiring volumes of data collection, the execution of complicated models and expensive consultation with subject matter experts.

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 Relations, by phone at 800.472.7878, ext. 3619, or by e-mail at [cmmckeel@gcsaa.org](mailto:cmmckeel@gcsaa.org), or direct mail at GCSAA, 1421 Research Park Drive, Lawrence, KS, 66049. Thank you for considering these comments and recommendations.

Sincerely,

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Melissa Low, CAE, Vice President, Communications & Advocacy, Club Management Association of America

Ronnie Miles, Director of Advocacy, National Golf Course Owners Association

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