

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**From:** Jonathan Wood  
**Sent:** Mon 5/22/2017 5:31:45 PM  
**Subject:** WOTUS reform

Samantha,

I don't know if you recall but we clerked together at Pacific Legal Foundation in Summer 2011. Congratulations on your new position at EPA!

I'm writing to see if you or a colleague have a few minutes to discuss what policy the Administration will use in the interim between repealing WOTUS and finalizing a new rule to replace it. As I'm sure you're well aware, the Rapanos Guidance that was used prior to the WOTUS rule was nearly as bad for property owners and industry. Our hope is that the Administration will choose an interim rule that is more reasonable and respectful of property rights than the Rapanos Guidance. In addition to the policy benefits, another reason to choose a different interim rule is that the Rapanos Guidance was never submitted to Congress as required by the Congressional Review Act. This means that it cannot legally be given effect (until after it is submitted) and, as Heritage's Paul Larkin has explained, any enforcement action brought pursuant to it would be vulnerable to challenge on that basis.

You are very busy, of course. But if you or one of your colleagues has a few minutes to discuss this issue, I'd greatly appreciate it.

Best regards,

Jonathan

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