



August 1, 2016

Via email: NWP2017@usace.army.mil

U.S. Army Corp of Engineers
Attn: CECW-CO-R
441 G Street NW
Washington DC 20314-1000

Re: Comments of the Domestic Energy Producers Alliance in Response to the Proposal to Reissue and Modify Nationwide Permits (NWP); Docket No. COE-2015-0017; RIN 0710-AA73

Dear Sir/Madam:

The Domestic Energy Producers Alliance (“DEPA”) and its investors appreciate being given the opportunity to submit comments on the U.S. Army Corps of Engineers (Corps) Proposal to Reissue and Modify Nationwide Permits (NWP).

DEPA is a distinctive organization with a unique approach to domestic onshore energy advocacy and education. We are an alliance of producers, royalty owners, and oilfield service companies as well as 23 state and national independent oil and gas associations representing the small business men and women of the energy industry, devoted to the survival of U.S. domestic crude oil and natural gas exploration and production. DEPA’s investors are leaders in developing and applying the innovative and advanced technologies that allow our nation to add reasonably priced domestic energy reserves in environmentally responsible ways.

DEPA applauds the Corps for its efforts to reissue the NWP as they are an important regulatory vehicle to authorize activities that have minimal individual and cumulative adverse environmental effects under the Clean Water Act, Section 404 Program. These permits are critical to DEPA’s members in their day to day operations. However, we were surprised to see an attempt to incorporate provisions of the controversial 2015 Waters of the U.S. (WOTUS) Rule into the NWP provisions. It is our position that this is inappropriate in the current proposal as the 2015 WOTUS Rule was stayed nationally by the U.S Court of Appeals, Sixth Circuit on October 9, 2015. That stay is still in effect. Clearly, the 2015 Rule has a long legal battle ahead with an uncertain future. Therefore, DEPA requests that all discussion and proposed language associated with the 2015 WOTUS Rule be removed from this NWP proposal and be solely based upon the pre-2015 WOTUS rule.

With the above in mind, it is critical that the NWP's be fully reauthorized prior to March 19, 2017. DEPA encourages the Corps to keep any changes to the NWP's at a minimum and continue to be based upon the pre-2015 WOTUS rule. We recommend the Corps maintain the current provisions of the pre-construction notification (PCN), acreage limits and authorization of the District Engineers to consider waivers. We also recommend that the Corps consider language to allow the regulated community the ability to make a showing that compensatory mitigation is not warranted in specific cases due to minimal impact.

DEPA appreciates the opportunity to submit its comments on the U.S. Army Corps of Engineers Proposal to Reissue and Modify Nationwide Permits. It is critical that the NWP's be reauthorized prior to March 19, 2017 with minimal changes and based upon the pre-2015 WOTUS rule. Additionally, DEPA supports the comments submitted by the American Petroleum Institute (API), American Exploration & Production Council (AXPC) and the Independent Petroleum Association of America (IPAA) in this matter.

Sincerely,

DOMESTIC ENERGY PRODUCERS ALLIANCE

A handwritten signature in black ink, appearing to read "Peter Regan". The signature is fluid and cursive, with the first name "Peter" and last name "Regan" clearly distinguishable.

Peter J. Regan

Executive Director