



November 7, 2017

Via REGULATIONS.GOV  
U.S. Army Corps of Engineers  
ATTN: Mr. Jim Fredericks and Mr. Dan Inkelas  
ATTN: CECC-L, U.S. Army Corps of Engineers  
441 G Street, NW  
Washington, DC 20314

Re: Docket COE -2016-0016 Additional comments on proposed rulemaking: Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal and Industrial Water Supply

Dear Mr. Fredericks and Mr. Inkelas:

As a follow up to comments that the Association of Metropolitan Water Agencies (AMWA) submitted on May 15, 2017, which recommended that the U.S. Army Corps of Engineers (USACE) re-propose the reservoir rule, AMWA is respectfully requesting that the USACE initiate a negotiated rulemaking under the Federal Advisory Committee Act (FACA) to develop the new proposal. AMWA's rationale is two-fold:

- First, USACE is obligated to consider federalism implications (*such as under E.O. 13132-Federalism*) in rulemakings that affect states. This rulemaking has clear federalism implications because of the fundamental relationship between USACE and the states and the use of storage, which fits squarely within state responsibility for water allocations and water rights.
- Second, AMWA has observed that stakeholders from across many diverse interest groups have submitted comments expressing serious concerns with the proposed rule or have requested that USACE withdraw the current proposal altogether. A negotiated rulemaking under FACA would allow for USACE to discuss with stakeholders the key issues at play for this rulemaking. A negotiated rulemaking process would be a good faith effort for USACE to reach consensus on proposed regulatory language.

AMWA believes that public participation and proactive engagement in the rulemaking process is a necessary next step for USACE to take, and a negotiated rulemaking process would be the best forum for stakeholder input.

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**CHIEF EXECUTIVE  
OFFICER**  
Diane VanDe Hei

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in blue ink that reads "Diane VanDe Hei". The signature is written in a cursive, flowing style.

Diane VanDe Hei  
Chief Executive Officer  
Association of Metropolitan Water Agencies