



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

April 28, 2016

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

I am writing in connection with the March 8, 2016 transcribed interview of Office of Information and Regulatory Affairs Branch Chief James Laity in connection with the Committee's interest in the rule defining the scope of waters protected under the Clean Water Act. Mr. Laity wishes to clarify one of the answers he provided in the course of his interview. A statement from Mr. Laity is enclosed, and we ask that his statement be appended to his interview transcript as part of the record.

If you have any questions, please contact the Office of Management and Budget's Office of Legislative Affairs at (202) 395-4790.

Sincerely,

A handwritten signature in blue ink that reads "Tamara L. Fucile".

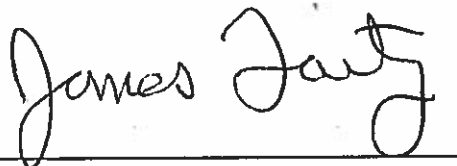
Tamara L. Fucile  
Associate Director for Legislative Affairs

Enclosure

cc: The Honorable Elijah E. Cummings  
Ranking Member

**ADDENDUM TO MARCH 8, 2016 TRANSCRIBED INTERVIEW OF JIM LAITY**

In the course of my March 8, 2016 transcribed interview, I described a conference call that occurred toward the end of the review period for the final rule defining the scope of waters protected under the Clean Water Act (CWA) and was asked whether there was a discussion of any topics besides limits on the term "adjacent" as used in the definition of "Waters of the United States" and a finding of "no significant impact" (FONSI) under the National Environmental Policy Act (NEPA). I responded that the call was not about the FONSI, but rather about the issue of whether there should be any modification to the draft 4,000 foot limit for determining waters to be jurisdictional under the CWA. Following review of my transcript earlier this month for errata, and upon further reflection on the conversation, I now believe that the Corps' FONSI was briefly discussed. Specifically, as stated in my answer, the call was about whether to modify the draft limit to allow a case-specific jurisdictional determination for waters beyond 4,000 feet that were still within the 100-year floodplain of a navigable water. I now recall, however, that one of the points in favor of making this modification was that the Corps believed it would be more consistent with their FONSI. The final rule did include this modification, consistent with the Corps' FONSI.

A handwritten signature in cursive script that reads "James Laity". The signature is written in black ink and is positioned above a horizontal line.

4/27/16

James Laity  
Branch Chief