

COUNTY OF EL DORADO

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July 15, 2014

Water Docket
Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Avenue NW.
Washington, DC 20460
Attention: Docket ID No. EPA-HQ-OW-2011-0880

Dear Administrator McCarthy and Assistant Secretary Darcy:

The Board of Supervisors of the County of El Dorado appreciates the opportunity to comment on the U.S. Environmental Protection Agency (EPA) and Army Corps of Engineers' (Corps) proposed rulemaking regarding the jurisdiction of the Clean Water Act. Our response follows below:

- 1. The Agencies should undertake a more in depth consultation process with the states, especially in regards to developing regulatory framework for 'Other Waters'.**

We echo the Western Governors' Association and Western States Water Council concerns regarding the minimal amount of state consultation that has taken place as this proposed rule change has been developed. This is of particular importance since states are responsible for enforcing provisions of the Clean Water Act. A proactive dialogue should take place between the Agencies and states related to the extent of regulation within the 'Other Waters' category of Waters of the United States. This consultation would provide a more robust review of the regulatory options than the one-sided submission of comment letters, engaging stakeholders in a more meaningful way. It would also assist with ensuring that the eventual regulatory framework adopted for 'Other Waters' is better understood and accepted by the states.

- 2. The Connectivity Report should be finalized prior to presenting the proposed rule for public review and comment.**

If the EPA's draft connectivity report is to be utilized as the culmination of scientific study related to defining connectivity for determining Waters of the United States, then it should be finalized before related rule changes are presented for public review and comment. Input by stakeholders regarding the draft connectivity report should be reviewed, and any resulting

modifications to the draft Clean Water Act rule should be completed, prior initiation of a public comment period for the rule making.

3. We support the continued exclusions for specified farming, silviculture, and ranching activities.

The County of El Dorado has robust farming and ranching sectors that would be negatively impacted by the additional regulatory burden of new federal Clean Water Act regulations. We are encouraged that the proposed rulemaking does not extend federal jurisdiction to previously excluded activities in this realm.

In conclusion, we respectfully request that that Agencies consider suspending public comment on the proposed rule until a more robust consultation process with the states can be undertaken, and the connectivity report finalized.

Sincerely,

Norma Santiago, Chair
Board of Supervisors
County of El Dorado