



Wyoming
DEPARTMENT OF Agriculture

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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

November 12, 2014

Delivered via mail

Water Docket
Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Ave. NW
Washington D.C. 20460

Attention: Docket ID No. EPA-HQ-OW-2011-0880 (Definitions of "Waters of the United States"
Under the Clean Water Act.

To whom it may concern:

The Wyoming Board of Agriculture (WBOA) is submitting these comments on the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) proposed rule to define "Waters of the United States" (WOTUS) under the Clean Water Act (CWA).

Our comments are specific to the mission of the Wyoming Department of Agriculture: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this new definition affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important you continue to inform us of proposed actions and decisions and continue to provide us the opportunity to express pertinent issues and concerns.

We appreciate EPA staff meeting with the WBOA on August 15, 2014 in Douglas Wyoming to explain the proposed rule and definition. However, we have the following comments:

1. **We strongly insist the proposed rule to define WOTUS be withdrawn.** The proposed rule adds to the confusion by increasing the regulatory authority while reducing the regulatory certainty of the Clean Water Act.
2. We encourage the EPA provide further clarification or amendment to the language of "significant nexus." The term significant nexus for capturing other waters or making determinations on a case-by-case basis is very concerning and does not provide any assurances to landowners even with agricultural exemptions. This use of vague terms adds to the confusion and needs to be reconsidered.
3. We strongly believe the proposed rule will inappropriately expand jurisdiction under the CWA. The proposed rule defines adjacent water as bordering, being contiguous, or neighboring traditional waters. The definition then includes within the term neighboring waters located in riparian areas or

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floodplains adjacent to traditional waters. This will expand the CWA jurisdiction onto lands that would not normally be considered within the scope of a significant nexus and will provide uncertainty, confusion, be extremely time consuming and costly. All of which goes against the purpose of the proposed rule.

We insist the proposed rule be withdrawn. If the EPA insists on moving forward with the flawed proposed rule, we feel the EPA needs to provide more clarity and/or consideration to the proposed rule. We cannot support any rule that creates more confusion, adds additional vague terms and increases the regulatory authority/jurisdiction to all waters and tributaries.

Sincerely,

Alison Lass

Alison Lass
Wyoming Board of Agriculture – Chair

AL/jf/cw

CC: Governor's Policy Office
Jason Fearneyhough