

Public Lands Council

May 23, 2011

Ms. Donna Downing
Office of Water (4502-T)
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Mr. David Olson
Regulatory Community of Practice (CECW-CO-R)
U.S. Army Corps of Engineers
441 G Street, N.W.
Washington, D.C. 20314

Attn: Docket ID No. EPA-HQ-OW-2011-0409

Docket ID No. EPA-HQ-OW-2011-0409

Re: Request for Extension of Comment Period on EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act

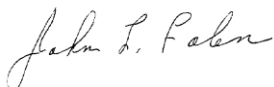
Dear Ms. Downing and Mr. Olson:

The Public Lands Council (PLC) requests an extension of the public comment period, for an additional 90 days, on the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers' (Corps) Proposed Guidance Regarding Identification of Waters Protected by the Clean Water Act. 76 Fed. Reg. 24479.

PLC represents public land ranchers, who own nearly 120 million acres of the most productive private land and manage vast areas of public land, accounting for critical wildlife habitat and the nation's natural resources. PLC's members are proud of their tradition as contributors to the nation's food supply, stewards of America's land and water, and good neighbors to their communities. Due to the potential negative impacts of this proposed guidance on our members, as outlined below, we believe that additional time for comment is warranted.

The proposed guidance (unlike previous guidance documents) will be used by the EPA and the Corps (agencies) to interpret the term "waters of the United States" in the context of all programs authorized under the Clean Water Act (CWA), including Section 404 discharges of dredged or fill material; the Section 402 National Pollutant Discharge Elimination System (NPDES) permit program; the Section 401 state water quality certification process; and Section 303 water quality standards and total maximum daily load programs. As one of the largest land owning sectors of our economy, livestock producers would be significantly affected by jurisdictional determinations made under this guidance. PLC urges the EPA to consider extending the comment period so the full extent of the effects of the proposed guidance can be analyzed, including (but not limited to) its economic impacts and its effects on the private property rights of our members. Thank you for your consideration of our request.

Sincerely,



John Falen
President