August 27, 2014

Dear Administrator McCarthy and Assistant Secretary Darcy,

The purpose of this letter is to request an additional extension of the comment period on the proposed rule regarding the jurisdiction of the Clean Water Act (79 FR 22187, published April 21, 2014).

Western Governors originally requested a 180-day extension of the comment period. While we appreciate the 91-day extension of the comment period announced on June 9, the time frame remains insufficient for states to formulate thorough and thoughtful commentary on the rule’s extensive impacts, effects and implications. Moreover, a significant amount of confusion and new information regarding the proposed rule has emerged over the last several weeks thus further warranting an extra 89-day extension of the comment period.

As stated in WGA’s letter dated March 25, 2014, we are concerned that this proposed rulemaking could impinge upon state authority in water management. Given the potential impacts of the rule on management of water resources – a fundamental responsibility of the states – we hope you will respond favorably to our request.

In addition, our states need more time to review the streams and waterbodies and wetlands maps recently released by the Environmental Protection Agency. The additional extension of the comment period will provide states with adequate time to review these resources.

Again, we appreciate the initial extension of the comment period, as well as your accessibility to discuss the proposed rule since its publication.

With gratitude for your consideration of our request, we are

Respectfully,

Brian Sandoval   John Kitzhaber
Governor, State of Nevada    Governor, State of Oregon
WGA Chairman          WGA Vice Chairman

Honorable Gina McCarthy   Honorable Jo-Ellen Darcy
Administrator            Assistant Secretary of the Army
U.S. Environmental Protection Agency  (Civil Works)
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cc: House Transportation and Infrastructure Committee Leadership
    House Natural Resources Committee Leadership
    Senate Environment and Public Works Leadership
    Michael Boots, Acting Chairman, Council on Environmental Quality