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**BOARD OF SUPERVISORS
COUNTY OF TUOLUMNE**

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June 6, 2017

Via Email

CWAwotus@epa.gov
Hanson.Andrew@epa.gov

United States Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington DC, 20460

Army Corp of Engineers

Re: Waters of the United States Rulemaking

To Whom It May Concern:

The Tuolumne County Board of Supervisors appreciates the opportunity to comment on the "Waters of the U.S." (WOTUS) rule making. The Board whole-heartedly supports the decision to withdraw and rewrite the Clean Water Rule of 2015 and to seek input from local governments on the impacts the WOTUS rule making could have.

Local governments play an important role in the implementation of the Clean Water Act (CWA). As co-regulators under provisions of the CWA, counties are not just another stakeholder in this discussion, but rather are justly partners whose coordination and input are essential to achieving a reasonable and workable result. The Board of Supervisors does support what appears to be a more common-sense regulatory framework in using the "Scalia approach" for clarification of CWA jurisdiction.

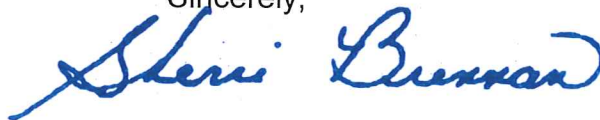
In general, the Scalia approach should clarify jurisdictional requirements as well as streamline regulatory processes as much as possible. For example, as an agency that maintains hundreds of roadside ditches and culverts, the challenge for Tuolumne County to obtain CA Section 404 federal permits when clearing brush and doing ditch

maintenance would be an extremely onerous requirement. In addition, cumulative impacts associated with duplicative and / or overlapping and additive requirements of federal, state and local jurisdictional authorities must be understood and the resulting impacts on the local jurisdictions seriously considered when attempting to define relatively permanent and continuous surface connection. Furthermore, the definitions of relatively permanent and continuous surface connection should have minimal impact to wetlands, drainages and general waterways found on personal property that do not pose a significant routine off-property impact to water quality.

In 2014, the Board of Supervisors expressed concerns regarding the economic impacts to local governments of a jurisdictional expansion of WOTUS. The Board continues to adamantly oppose any new regulation without adequate funding allocation for administration. Rural, mountainous counties with significant numbers of wetlands and waterways, such as Tuolumne County, cannot simply absorb the cost of permit issuance for ditches, drainage conveyances, wastewaters systems, riparian areas and floodplains. A proper economic analysis should consider the complete cost of implementation to the local jurisdiction. Furthermore, the economic impacts to local industry, such as agriculture, should be considered as well.

Again, the Tuolumne County Board of Supervisors thanks the agencies for their consideration of local impacts from the WOTUS rulemaking and appreciates the opportunity to provide this additional input. The Board of Supervisors will continue to remain engaged in this topic and expects the EPA and the Corps to give the County of Tuolumne many opportunities to participate in the process moving forward.

Sincerely,



Sherri Brennan, Chair
Board of Supervisors

CC: Julie Ufner, National Association of Counties
Tom McClintock, United States Congressman
Jeff Denham, United States Congressman
Diane Feinstein, United States Senator
Kamala Harris, United States Senator
California State Association of Counties
Rural County Representatives of California
Association of California Water Agencies
Mountain Counties Water Resources Association
Karen Baker, Army Corps of Engineers

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By: 