



## The Mississippi Association of Supervisors

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Gina McCarthy  
EPA Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Ms. McCarthy,

On April 21, 2014, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) jointly released a new proposed rule – Definition of Waters of the U.S. Under the Clean Water Act – that would amend the definition of “waters of the U.S.,” and expand the range of waters that fall under federal jurisdiction.

I write on behalf of all Mississippi counties, in opposition of the proposed rule change. This proposed modification would modify existing regulations which have been in place for over 25 years, regarding which waters fall under federal jurisdiction through the Clean Water Act (CWA). Because this proposed rule could expand the scope of CWA jurisdiction, counties could feel a major impact as more waters become federally protected and subject to new rules or standards.

In addition, there could potentially be an increase in the number of county-owned ditches under federal jurisdiction. The proposed rule would define some ditches as “waters of the U.S.” if they meet certain conditions. This means that more county-owned ditches would likely fall under federal oversight. In recent years, Section 404 permits have been required for ditch maintenance activities such as cleaning out vegetation and debris. Once a ditch is under federal jurisdiction, the Section 404 permit process can be extremely cumbersome, time-consuming and expensive, leaving counties vulnerable to citizen suits if the federal permit process is not streamlined.

Mississippi counties continue to struggle with declining assessed values and unfunded mandates at the state and federal government level. Mississippi counties view this potential proposed rule change an unfunded mandate that would prevent counties from operating in an efficient and effective manner. We respectfully opposed the proposed rule change.

Respectfully,

Derrick Surette  
Executive Director

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