



Clearwater County Highway Department

Daniel S. Sauvé P.E.

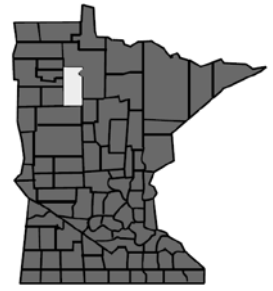
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Resending 9/17/2021

May 30, 2014

Water Docket

Environmental Protection Agency

1200 Pennsylvania Avenue NW.

Washington, DC 20460

Now Docket EPA-HQ-OW-2021-0328

RE: Docket No. EPA-HW-OW-2011-0880 (Comments on Proposed Regulations regarding Definition of "Waters of the United States")

To the Environmental Protection Agency and the U.S. Army Corps of Engineers:

Thank you for the opportunity to provide comments on the notice of proposed rulemaking for proposed changes to the definitions of "waters of the United States" under the Clean Water Act.

We are all for clean waters and protecting the environment. I myself have worked as an environmental engineer prior to becoming a County Engineer, so I understand the environmental issues and the related cost to the environment, industry, and the public. However, I am concerned with over regulation. It is not that I don't think permits are necessary, just that we are being over regulated and having to jump through hoops for various regulators to get permits to address the same issue. For an example, a typical road reconstruction project, we obtain water related permits from the Minnesota Pollution Control Agency for a NPDES permit, the Minnesota Department of Natural Resources for protected waters, Clearwater County who implements the Minnesota Wetland Conservation Act locally, the Minnesota Board of Water and Soil Resources who administers the Minnesota Wetland Conservation Act statewide, the U.S. Corps of Engineers for discharge of dredged or fill materials, and local watershed districts. I don't understand why one agency cannot address all water related permits.

It appears to me that the proposed rules will greatly expand the Corps of Engineers jurisdiction way beyond what the federal laws were intended to do. The rules should be changed for the Corps of Engineers to only regulate traditional navigable waters and leave the remaining wetland impacts to other agencies to regulate. This would prevent some overlapping of water related permits. We have other agencies that regulate waters that are above and that drain into navigable waters. The EPA regulates runoff from our construction sites through the authority they gave to

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the MPCA to issue NPDES permits. Our local LGU and various state agencies regulate the Wetland Conservation Act which is stricter than the federal regulations. I believe the Corp of Engineers provide an important role in keeping our nations navigable waters in a navigable condition for commerce and that the EPA provides an important role in protecting our nations waters in keeping our waters clean. It just does not make sense to me to expand the Corps of Engineers role when others are addressing the all-important water quality impacts to our waters.

Although many times I question the Corps of Engineers jurisdiction over a project, we normally just sign off giving the Corps of Engineers jurisdiction because it is just easier and faster to give them jurisdiction rather than wait for them to do their formal jurisdiction review. However, we recently had a permit application that took much longer than necessary. It was a letter of permission general permit to impact less than 1 acre of isolated wetlands. We used to get these general permits back in about 90 days. This last general permit took 236 days to receive. According to 40 CFR 325 – Processing of Department of the Army Permits; they have 15 days to notify us that they want additional information. In our case, they took 90 days to let us know they wanted additional information. They have 60 days according to the regulations to issue the permit after a completed application. They took 128 days to give us the permit after receiving the completed application. It should also be noted that the additional information requested by the Corps of Engineers was just to show the impacts graphically different on a map. The additional information provided did not change the actual wetlands impacted. The original application was acceptable to the other wetland regulatory agencies.

Who is responsible to hold the Corps of Engineers to the timelines stated in the regulations? The reasoning our District Corps of Engineers said there was a delay in issuing our permit was because they are under staffed. So my point is, why do they want to expand their jurisdiction further when they apparently already have more work than they can handle. Remember where the Corps of Engineer's jurisdiction ends other agencies pick up. Run off into wetlands and waters of the state are being regulated by the EPA through the MPCA by NPDES permits and wetland impacts are being addressed by LGU's and other State agencies.

It appears to me that the proposed rules do not provide clarification over jurisdiction and still keeps everything up to individual interpretation. The proposed rules should be written clearly to clarify that the Corps of Engineers jurisdiction is traditional navigable waters as listed by the Corps of Engineers. The Minnesota list of navigable waters developed by the Corps of Engineers is attached. The proposed rules should state the Corps of Engineers jurisdiction only covers the waters listed and that other water quality and wetland impacts will fall under other agencies to address the water quality through the NPDES program and wetland impacts through the Wetland Conservation Act which is being administered by most states with oversight by the EPA. Having multiple agencies regulate the same thing just adds unnecessary cost to the public. I urge you to consider separating and clearly defining who has juridical oversight of each area.

With today's technology and GIS systems each agency jurisdiction coverage area could be laid out on a map. By separating out the jurisdiction and having predetermined mapped areas of jurisdiction this would greatly reduce future litigation costs for the agencies and provide clear direction to the applicants of water related impacts.

Sincerely

A handwritten signature in black ink, appearing to read "Dan Sauv ", written in a cursive style.

Dan S. Sauv , P.E.
County Engineer

**NAVIGABLE WATERS
OF THE UNITED STATES IN
MINNESOTA**

1. BIG FORK RIVER

Navigable throughout
includes:
Dora Lake (source)

2. BIG STONE LAKE

Navigable throughout

3. BOIS DE SIOUX RIVER

Navigable throughout

**4. INTERNATIONAL BOUNDARY
WATERS FLOW WEST
THROUGH COOK, LAKE,
ST. LOUIS AND KOCHICING
COUNTIES**

Navigable throughout,
within limits of the
United States,
includes:
North Lake (source)
Francis Bay
Little North Lake
Little Gunflint Lake
Gunflint Lake
Magnetic Lake
Pine River
Pine Lake
Clove Lake
Granite Bay
Granite River
Gneiss Lake
Devils Elbow Lake
Ambush Lake
Prayer Lake
Morris Lake
Maraboeuf Lake
Saganaga Lake
James Bay
Sea Gull River
Red Rock Bay
Red Rock Lake
Swamp Lake
Cypress Lake
Mud Bay
Knife Lake
South Arm Knife Lake
Toe Lake
Portage Lake
Knife River
Seed Lake
Melon Lake

Carp Lake
Birch Lake
Sucker Lake
Newfound Lake
Moose Lake
Inlet Bay
Basswood Lake
Rice Bay
Wind Bay
Hoist Bay
Back Bay
Jackfish Bay
Pipestone Bay
Basswood River
Horse River
 Navigable 1 mile up-
 stream
Wednesday Bay
Crooked Lake
Thursday Bay
Friday Bay
Saturday Bay
Sunday Bay
Iron Lake
Peterson Bay
Bottle Lake
Bottle River
Lac La Croix
Tiger Bay
Boulder Bay
Boulder Rive
Never Fail Bay
Fish Stake Narrows
Lady Boot Bay
Toe Lake
Snow Bay
North Lake
South Lake
Loon Lake
East Loon Lake
Little Loon Lake
Little Indian Sioux River
 Navigable 2 miles
 upstream
Loon River
Little Vermilion Lake
Little Vermilion Narrows
Sand Point Lake
Crane Lake
Grassy Bay
East Bay
Rollick Bay

Rollick Creek
 Navigable 1 mile
 upstream
North West Bay
King Williams Narrows
Harrison Narrows
Staege Bay
Browns Bay
Swansons Bay
Namakan Narrows
Namakan Lake
Hammer Bay
Blind Pig Channel
Deep Slough
Randolph Bay
Junction Bay
Hoist Bay
Moose Bay
Moose River
 Navigable 1 mile
 upstream
Kabetogama Lake
Old Dutch Bay
Sullivan Bay
Ash River
 Navigable 2 miles
 upstream
Blind Ash Bay
Nebraska Bay
Mud Bay
Daley Bay
Bowman Bay
Irwin Bay
Duck Bay
Tom Cod Bay
Black Bay
Moose Bay
Blue Fin Bay
Lost Bay
Elks Bay
Long Slough
Lost Lake
Kohler Bay
Blind Indian Narrows
Johnson Bay
Squaw Narrows
Mica Bay
Squirrel Narrows
Kettle Channel
Rainy Lake
Anderson Bay
Finger Bay

Browns Bay
 Kempton Bay
 Kempton Channel
 Hitchcock Bay
 Finlander Bay
 Marion Bay
 Saginaw Bay
 Brule Narrows
 Lost Bay
 Alder Creek
 Olson Bay
 Cranberry Bay
 Dove Bay
 Black Bay Narrows
 Tilson Bay
 Frank Bay
 Tilson Creek
 Jackfish Bay
 Grassy Narrows

5. KAWISHIWI RIVER

Navigable throughout,
 includes:

Kawishiwi Lake
 Kawishiwi River
 Square Lake
 Kawasachong Lake
 Lake Polly
 Koma Lake
 Malberg Lake
 Amber Lake
 River Lake
 Fishdance Lake
 Alice Lake
 Insula Lake
 Hudson Lake
 Lake Four
 Lake Three
 Lake Two
 Lake One
 South Kawishiwi River
 Birch Lake
 White Iron Lake
 North Fork Kawishiwi R.
 Farm Lake
 South Farm Lake
 Garden Lake
 Fall Lake
 Newton Lake

6. KETTLE RIVER

Navigable throughout
 Navigable tributaries,
 includes:

Willow River
 Moose River

West Branch of the
 Moose River
 Grindstone River

7. LAKE OF THE WOODS

Navigable through out,
 within the limits of
 the United States,
 includes:

Four Mile Bay
 Zippel Bay
 Moose Bay
 Youngs Bay
 North West Angle Inlet
 Sand Point Bay

8. LAKE SUPERIOR

Navigable throughout

9. LAKE TRAVERSE

Navigable throughout,
 includes:
 Mud Lake

10. LITTLE FORK RIVER

Navigable throughout

11. LOWER RED LAKE

Navigable throughout

12. MILLE LACS LAKE

Navigable throughout

13. MINNESOTA RIVER

Navigable throughout,
 includes:

Lac Qui Parle
 Marsh Lake

14. MISSISSIPPI RIVER

Navigable to outlet of
 Lake Bemidji, includes
 numerous lakes, sloughs,
 channels, runs and ponds;
 some larger adjoining
 waters between St. Cloud
 and Lake Bemidji,
 include:

Zebulon Pike Lake
 Half Moon Lake
 Rice Lake
 Little Rabbit Lake
 Lake Sylvan
 Paper Mill Reservoir
 Little White Oak Lake
 White Oak Lake
 Stump Lake
 Lake Andrusia
 Cass Lake, which
 includes

Pike Bay
 Allens Bay
 Ose Lake
 Little Lake Winni-
 bigoshish

15. MISSISSIPPI RIVER HEAD- WATERS RESERVOIRS

Navigable throughout

15a. Leech Lake and Leech

Lake River includes:

All Associated Arms,
 Bays and Narrows
 Leech Lake
 Turtle Lake (Traders Bay)
 Steamboat Lake
 Steamboat River
 Kabekona River
 Navigable upstream
 to Oak Lake
 Boy Lake
 Boy River

Navigable upstream to

Swift Lake
 Steamboat Bay Lake
 Gould Lake
 Shingobee River and Bay
 Navigable upstream to
 County 50 Bridge
 Sucker Creek
 Navigable upstream 1
 mile of Sucker Bay
 Lost Lake
 Skelly Lake

15b. Lake Winnibigoshish includes:

All associated Arms, Bays
 and Narrows
 Lake Winnibigoshish
 Lake Harry
 Deer Lake
 Cut Foot Sioux Lake
 First River
 Third River Flowage
 Sugar Lake
 Pigeon Dam Lake
 Rabbits Lake
 Third River

Navigable upstream 1 mile

Egg Lake
 Raven Creek
 Little Cut Foot Sioux Lake

15c. Pokegama Lake,

includes:
 All Associated Arms, Bays and
 Narrows
 Pokegama Lake

- Little Pokegama Lake
- Jay Gould Lake
- Little Jay Gould Lake
- Blackwater Lake
- Cut—off Lake
- 15d. Big Sandy Lake
 - includes:
 - All Associated Arms, Bays and Narrows
 - Big Sandy Lake
 - Aitkin Lake
 - Davis Lake
 - Steamboat Lake
 - Flowage Lake
 - Sandy River Lake
 - Sandy River
 - Navigable upstream to Steamboat Lake
- 15e. Pine River Reservoir,
 - Pine River includes:
 - All Associated Arms, Bays and Narrows within the Whitefish chain of Lakes system.
 - Lower Whitefish Lake
 - Upper Whitefish Lake
 - Big Trout Lake
 - Cross Lake
 - Daggett Lake
 - Little Pine Lake
 - Rush Lake
 - Island Lake
 - Loon Lake
 - Pig Lake
 - Arrowhead Lake
 - Clamshell Lake
 - Hay Creek
 - 1 mile upstream
 - Upper Hay Lake
 - Lower Hay Lake
 - Bertha Lake
 - Pine River (From the Dam to the Mississippi River)
 - Swedetown Bay
- 15f. Gull Lake, Gull River
 - include
 - All Associated Arms, Bays and Narrows
 - Gull Lake
 - Love Lake
 - Round Lake
 - Roy Lake
 - Upper Gull Lake
 - Bass Lake
 - Margaret Lake

Nisswa Lake
 Spring Lake
 Gull River (From Dam to Mississippi River)
 Steamboat Bay
 Wilson Bay

16. PIGEON RIVER

Flows east through Cook County,
 Navigable throughout, within limits of the United States,
 Includes: South Lake (source)
 Rat Lake
 Rose Lake
 Rove Lake
 Watap Lake
 Mountain Lake
 Fan Lake
 Vasseux Lake
 Moose Lake
 North Fowl Lake
 South Fowl Lake

17. PIKE RIVER

Navigable throughout

18. RAINY RIVER

Navigable throughout within the limits of the United States

19. RED LAKE RIVER

Navigable throughout

20. RED RIVER OF THE NORTH

Navigable within limits of the United States

21. RUM RIVER

Navigable throughout

22. SNAKE RIVER

Navigable throughout includes:
 Cross Lake
 Pokegama Lake
 Navigable tributaries includes:
 Groundhouse River
 Ann River
 Knife River

23. ST. CROIX RIVER

Navigable to mouth of the Namekagon

River, includes:
 Kettle River Slough
 Folsom Lake
 Peas lee Lake
 Lower Lake
 Lake Mallalieu
 Lake St. Croix

24. ST. LOUIS RIVER

Navigable to the mouth of the Embarrass River,
 Includes
 St Louis Bay
 Spirit Lake
 Mud Lake
 Thomson Reservoir

25. UPPER RED LAKE

Navigable throughout

26. VERMILION LAKE

Navigable throughout, includes:
 Vermilion Lake
 Head of the Lakes Bay
 Wakemup Bay
 Black Bay
 Norwegian Bay
 Larsons Bay
 Big Bay
 Daisy Bay
 Everetts Bay
 Pike Bay
 Stuntz Bay
 Greenwood Bay
 Frazier Bay
 Smart Bay
 Canfield Portage Bay
 Bystrom Bay
 Wolf Bay
 Nites Bay
 Muskego Bay
 Waconda Bay
 Indian Bay
 Rice Bay
 Bass Bay
 Armstrong Bay
 Cable Bay
 Mattson Bay
 Mud Creek Bay

27. VERMILION RIVER

Navigable through out