

July 3, 2014

Water Docket
U.S Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Ave. NW
Washington, DC 20460

Interpretative Rule Regarding the Exemption From Permitting Under Section 404(f)(1)(A) of the Clean Water Act to Certain Agricultural Conservation Practices

DOCKET ID: **EPA-HQ-OW-2013-0820**

The Georgia Cotton Commission (GCC) is a producer funded organization representing the cotton producers of Georgia. Georgia is the second largest cotton growing state with a \$1.3 billion farm gate value and a total economic contribution of \$2.5 billion to the economy of Georgia. The Georgia cotton industry also accounts for over 15,000 jobs in our state. Agriculture is the largest industry in Georgia accounting for over 375,000 jobs and has a total economic impact of over \$76 billion to Georgia's economy.

After close evaluation and consideration, the GCC believes that the recent Environmental Protection Agency (EPA) Interpretive Rule (IR) regarding the exemption from permitting under Section 404(f)(1)(A) of the Clean Water Act (CWA) is not only detrimental to Georgia's cotton producers, but all of Georgia agriculture.

The GCC believes that the IR will burden our cotton producers with new compliance standards from USDA Natural Resources Conservation Services (NRCS). The IR states that farming "activities must also be implemented in conformance with NRCS technical standards." Also, in the Memorandum of Understanding (MOU) between EPA, USDA, and Department of the Army, it states "Landowners not relying on NRCS for technical assistance have the responsibility to ensure that implementation of the conservation practice is in accordance with the applicable NRCS conservation practice standard. It is important to emphasize that practices are exempt only where they meet conservation practice standards." This implies that NRCS now becomes an enforcement agency whereas previously farmers and landowners only interacted with NRCS for technical assistance. The GCC and Georgia cotton producers have had a longstanding positive relationship with field staff from NRCS in Georgia. These new regulations will strain that relationship and may cause Georgia cotton farmers to view NRCS in a less positive manner.

It is the GCC's belief that the IR actually restricts that amount of practices that a cotton producer may implement in regards to conservation. The list of 56 practices included in the IR is in no way inclusive to cotton farmers across the 17 cotton producing states, much less the entire agricultural economy in the United States. In Georgia we have many different soil types, and agricultural production occurs across many different types of geography. Having a set list that farmers must conform to will burden farmers into modifying their existing conservation practices into practices and standards that may not confer the best results on their farm. Also, the MOU states that the list of exempt practices are expected to "evolve over time as NRCS modifies or develops new conservation practice standards." While we recognize that NRCS works diligently to improve the conservation practices implemented by producers, dropping and adding new compliance standards could easily trap certain producers. As this list evolves and practices are added and deleted, a Georgia cotton farmer could easily have an operation that is in compliance with NRCS technical standards to out of compliance if the practice being implemented is deleted from the list of current standards.

In conclusion, the GCC believes that the IR issued by the EPA regarding Section 404(f)(1)(A) of the CWA will be a burden on Georgia cotton producers as well as Georgia agriculture as a whole. Given these serious concerns, the GCC urges the EPA to withdraw the IR.

Sincerely,

Mike Lucas
Chairman
Georgia Cotton Commission