



Richard Gebhart
President

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November 14, 2014

Mr. Ken Kopocis
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Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Ms. Jo Ellen Darcy
Assistant Secretary (Civil Works)
Department of the Army
441 G Street, NW
Washington, D.C. 20314

Re: Docket ID No. EPA-HQ-OW-2011-0880; *Definition of "Waters of the United States" Under the Clean Water Act; 79 Fed. Reg. 22187*

On behalf of the Oklahoma Cattlemen's Association (OCA), we appreciate the opportunity to submit these comments on the Proposed Definition of 'Waters of the United States' (referred to as WOTUS) published by the Environmental Protection Agency and the Army Corps of Engineers (referred to as agencies) in the Federal Register referenced Docket ID No. EPA-HQ-OW-2011-0880; *Definition of "Waters of the United States" Under the Clean Water Act; 79 Fed. Reg. 22187*. We believe the proposed rule will have a substantial harmful impact on the Oklahoma and United States beef cattle families that raise the highest quality and safest beef in the world. OCA strongly admonishes the agencies to withdraw WOTUS.

The OCA is the trade association for Oklahoma's beef cattle farmers and ranchers. We have thousands of members ranging from cow/calf producers, stocker operators and feedlots. OCA members steward daily the resources of land, water and animals that have been entrusted to them with the highest commitment to quality and integrity. Our members have this dedication not because it is the law but rather because it is the heritage of stewardship that has been passed down for many generations of beef cattle ranchers.

There are many legal and technical objections to the proposed rule, and we support the comments submitted by the National Cattlemen's Beef Association (NCBA) and the Public Land Council (PLC) outlining those concerns. We will focus our comments in this letter to other more specific concerns as shared by OCA members.

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The proposed rule itself contains many vague and loose terms that can be defined in many different ways. While public comments by EPA staff have indicated that they have no intent of regulating specific agriculture practices, words, or lack thereof, on paper have significant meaning. The exclusions and exemptions in the proposed rule are unclear and provide no confidence of interpretation certainty of the rule.

The rule also seems to ignore the significance of state's jurisdiction and local efforts to maintain and improve water quality. Note this statement posted by the Oklahoma Conservation Commission in March of this year, *"The U.S. Environmental Protection Agency (EPA) has removed four Oklahoma streams from its impaired water or 303(d) list, state conservation leaders announced at a press conference at the Capitol on Feb 2. Efforts by farmers, ranchers and other landowners, in cooperation with the Oklahoma Conservation Partnership to address nonpoint source pollution through **voluntary, locally-led** means has resulted in the streams being removed from a federal list of impaired water bodies and in even more streams never going on this list, they (EPA) said."* The agency itself acknowledged the positive and good work done by Oklahomans! Why then should a federal proposed rule that is vague and over-reaching be needed?

The most upsetting premise of the proposed rule is the disregard for the private property rights of Oklahoma beef cattle ranchers. In early April of 2014, EPA Administrator McCarthy remarked to the attendees at the National Cattlemen's Beef Association Spring Legislative Conference attendees in a public speech, to not worry because the rule will allow us to continue to farm and ranch. Further, in a September meeting with EPA water division staff in Washington DC, OCA President Richard Gebhart asked the staff members the purpose of the rule which they replied that the rule is needed in order to better define what land the EPA has jurisdiction. Further, incredible expansion of federal oversight to include every wet and dry depression as outlined in the rule will infringe if not take the freedoms of use and enjoyment of OCA member's land.

A remark indicating that OCA members will be 'allowed to continue farming and ranching' is insulting of the very core values of cattle farmers and ranchers. Trying to further define what land the federal government needs jurisdiction goes well beyond the scope of the Clean Water Act into violating the very constitutional rights of private property.

OCA members are firm and loud in their opposition to the proposed WOTUS rule. At our annual convention in July in Oklahoma City, the following directive was unanimously adopted by OCA members:

WHEREAS, the Environmental Protection Agency (EPA) and the Army Corps of Engineers (ACE) have proposed rules defining and outlining federal jurisdiction of land and water; and

WHEREAS, the public comment period for the proposed rule is open affording individuals the opportunity to make their opinions of the rule on official record; and

WHEREAS, the proposed rules are an egregious over-reach by the federal government of the private property rights of all Oklahoma beef cattle owners.

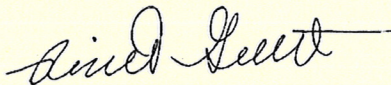
THEREFORE BE IT DIRECTED, OCA will encourage all Oklahoma beef cattle owners to submit their comments on the proposed rule.

BE IT FURTHER DIRECTED, OCA will provide resources and information to OCA members to assist them in making their comments.

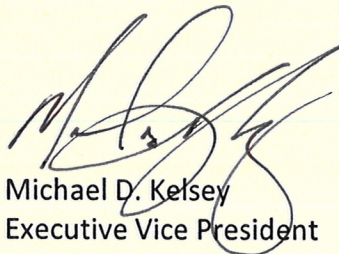
Over the past several months, OCA has hosted beef cattle meetings across the state of Oklahoma to discuss many issues. At every meeting, without exception, members shared their concerns of the proposed rule. Never has an issue so negatively stirred the grassroots food producing families of Oklahoma's beef cattle industry. At the request of our members, many of whom do not want to use the internet, we began to collect handwritten comments. Today, we boxed 282 individually handwritten comments according to the directions outlined in the proposed rule and mailed them. The most common thread of all the comments was the opposition to the expansion of the federal government's oversight of private property.

Thank you for the opportunity to provide comments. We respectfully urge the agencies to withdraw the proposed rule.

Sincerely,



Richard Gebhart
President



Michael D. Kelsey
Executive Vice President