



STATE OF NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
600 E BOULEVARD AVE, DEPT 602
BISMARCK, ND 58505-0020

DOUG GOEHRING
COMMISSIONER

October 6, 2015

Fred Leutner
Standards and Health Protection Division
Office of Science and Technology (4305T)
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OW-2014-0461--Request for Extension until November 30, 2015

Dear Mr. Leutner,

The North Dakota Department of Agriculture respectfully requests that the Environmental Protection Agency extend the comment period for the agency's proposed reinterpretation of tribal eligibility to administer regulatory programs under the Clean Water Act (CWA), Treatment As State (TAS) provision at section 518. Specifically, I request an extension of 56 days, until November 30, 2015 to provide comments to you on the proposed reinterpretation.

The North Dakota Department of Agriculture recognizes and fully respects tribes as sovereign entities. However, in our view, authorizing another sovereign entity to administer and enforce CWA provisions is unnecessary. The state, through the North Dakota Health Department, already adequately regulates private land within its jurisdiction under the CWA.

With over 90% of the land within our state used for agriculture, this proposed reinterpretation will create regulatory uncertainty for the many private landowners in agriculture production on tribal lands. We support clean water and acknowledge its importance but want to ensure that private landowners in agriculture production on tribal lands are not unnecessarily subject to overlapping or uncertain authority when it comes to the CWA.

Please contact us if you have any questions or would like any additional information. The point of contact for this request for an extension is Mr. Tom Bodine, Deputy Agriculture Commissioner, at (701) 328-4758 or tbodine@nd.gov.

Thank you for your kind consideration of our request for a 56 day extension, until November 30, 2015, to provide comments to you on your proposed reinterpretation. I look forward to hearing from you in relation to this request.

Sincerely,

Agriculture Commissioner Doug Goehring