PUBLIC NOTICE

CLEAN WATER ACT INTERPRETIVE RULE FOR 404(f)(1)(A)

On 21 April 2014, the USEPA and the Corps of Engineers (Corps) are publishing a Notice of Availability and Public Comment to announce the availability of an interpretive rule regarding the applicability of the exemption from permitting provided under section 404(f)(1)(A) of the Clean Water Act (CWA) for discharges of dredged and/or fill material associated with certain agricultural conservation practices based on the Natural Resources Conservation Service (NRCS) conservation practice standards that are designed and implemented to protect and enhance water quality. The interpretive rule was effective on April 03, 2014.

Under the CWA, section 404 regulates the discharges of dredged and/or fill material into waters of the U.S. and section 404(f)(1) includes a list of activities that are exempt from regulation under section 404. Section 404(f)(1)(A) provides an exemption for discharges of dredged and/or fill material from "normal farming, silviculture, and ranching activities, such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices." The interpretive rule clarifies that certain NRCS conservation practices that are designed and implemented to protect and enhance water quality are included under these "normal farming, silviculture, and ranching activities."

The USEPA, the Corps, and NRCS have also entered into a Memorandum of Understanding to guide their future coordination on the exemption. The interpretive rule, Memorandum of Understanding, as well as a list of NRCS practices that meet the exemption, are available via the Internet on the USEPA websites: http://water.epa.gov/lawsregs/guidance/wetlands/agriculture.cfm and http://www2.epa.gov/uswaters; as well as on the Corps website under Latest News: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx.

National Issues Concerning the Interpretive Rule: Similar public notices are being published concurrently by other Corps division or district offices. The Federal Register notice provides public opportunity to become familiar with the interpretive rule and understand what has become effective as of April 03, 2014. The agencies recognize the importance and value of receiving public input on the implementation of this interpretive rule; input which may inform future revisions to the list of activities included under the interpretive rule. The agencies welcome comments in response to the Notice of Availability within 45 days from date of publication in the Federal Register.

DATES: Submit comments on or before June 05, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2013–0820 by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *E-mail: ow-docket@epa.gov*. Include EPA–HQ–OW–2013–0820 in the subject line of the message.

- *Mail:* Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA–HQ–OW–2013–0820.
- *Hand Delivery/Courier:* Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention Docket ID No. EPA–HQ–OW–2013–0820. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Public Reading Room is 202–566–1744 and the telephone number for the Water Docket is 202–566–2426.

For further information please contact: Ms. Stacey M. Jensen, Regulatory Community of Practice (CECW–CO–R), U.S. Army Corps of Engineers, 441 G Street, NW, Washington, DC 20314; telephone number 202–761–5856; e-mail address: *USACE_CWA_RULE@usace.army.mil*; and include the EPA Docket ID No. EPA-HQ-OW-2013-0820 in the subject line of the message.