SPECIAL PUBLIC NOTICE

EXTENSION OF

THE JUNE 5, 2007 JOINT US ENVIRONMENTAL PROTECTION AGENCY AND ARMY CORPS OF ENGINEERS GUIDANCE REGARDING CLEAN WATER ACT JURISDICTION AFTER *RAPANOS*

AND

COMMENT PERIOD ON THE JOINT GUIDANCE

SUMMARY: On June 5, 2007, the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers (Agencies) issued joint agency guidance regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court's decision in the consolidated cases Rapanos v. United States and Carabell v. United States ("Rapanos"). This guidance is intended to ensure that jurisdictional determinations, administrative enforcement actions, and other relevant agency actions being conducted under the CWA are consistent with the Rapanos decision and provide effective protection for public health and the environment. This guidance is at:
http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/rapanos_guide_memo.pdf

The Agencies initially provided a six-month period for the coordination procedures between the agencies (see MEMORANDUM FOR DIRECTOR OF CIVIL WORKS AND US EPA REGIONAL ADMINISTRATORS at
http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/rapanos_moa_06-05-07.pdf.

Additionally, the Agencies initiated a 6 month public comment period to solicit input on early experience with implementing the guidance. All documents related to this guidance are posted online at:
http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/cwa_guide.htm

ANNOUNCEMENT: The Agencies have agreed to extend both the comment period on the guidance documents and the coordination process for 45 days beyond the original expiration date of December 5, 2007, until the first business day after January 19, 2008.

The public is invited to submit comments by one of the following methods:

- www.regulations.gov: Follow the on-line instructions for submitting comments.
- Email: OW-Docket@epa.gov. Include the docket number, EPA-HQ-OW-2007-0282 in the subject line of the message.
- Mail: Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW, Washington, DC 20460.
- Hand Delivery: 1301 Constitution Ave, NW, Room 3334, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.