



Consortium of
Aquatic Science Societies

American Fisheries Society • Association for the Sciences of Limnology and Oceanography • Coastal and Estuarine Research Federation • Freshwater Mollusk Conservation Society • International Association for Great Lakes Research • North American Lake Management Society • Phycological Society of America • Society for Freshwater Science • Society of Wetland Scientists

September 2X, 2019

Mr. Andrew R. Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via regulations.gov

Re: Request for extension to comment on Docket ID No. EPA-HQ-OW-2019-0405

Dear Administrator Wheeler:

On behalf of the Consortium of Aquatic Science Societies, we respectfully urge your agency to extend the period during which you will accept citizen input on the above-referenced docket. We ask that you provide at least a 120-day comment period for interested citizens and organizations to comment on the agency's proposal to make changes to rules governing states' and tribes' Clean Water Act (CWA) Section 401 water quality certification process.

Although the Administrative Procedure Act (APA; 5 U.S.C. §§ 551-559) does not specify a minimum or maximum period for a comment period to remain open, the duration of a comment period often varies with the complexity of the proposed rule. This rule represents a significant shift in policy and the development of new language, interpretations, requirements and procedures that will strongly affect state and tribal roles and their ability to protect aquatic resources within their boundaries. In addition, the proposed rule includes more than 100 specific requests for comment, which when broken into individual questions equates to at least 130 individual questions.

Section 401 water quality certification is critical for states' and tribes' efforts to conserve and restore water quality in our rivers, lakes, and streams, which provide critical fish habitat and the drinking water upon which millions of Americans depend. Section 401 is a foundational part of the Clean Water Act, providing a way for states and tribes to collaborate with the federal government. It also ensures they can protect their valuable water and related resources from the adverse effects of federal permitting authorities. Changes to Section 401 of the Clean Water Act would have significant ramifications on our nation's waters and on the effective and efficient implementation and enforcement of the Clean Water Act. As such, the planned 60-day comment period

is inadequate to allow for an appropriate review, as called for by the complexity and importance of the proposed rule.

CASS is composed of nine professional societies representing almost 20,000 individuals with diverse knowledge of the aquatic sciences. Those members work in the private sector, academia, non-governmental organizations, and various tribal, state, and federal agencies. CASS represents professional scientists and managers with deep subject matter expertise, a commitment to independent objectivity, and the critical review of environmental information. We support the development and use of the best available science to sustainably manage our freshwater, estuarine, coastal, and ocean resources to the benefit of the U.S. economy, environment, and public health and safety.

Thank you for considering this extension request. If you have further questions, please do not hesitate to contact Drue Banta Winters by email at dwinters@fisheries.org or telephone at 301-897-8616.

Sincerely,

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