



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

February 22, 2019

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

Mr. R.D. James
Assistant Secretary of the Army for Civil Works
U.S. Army Corps of Engineers
441 G Street, N.W.
Washington, D.C. 20314

Via regulations.gov: Docket ID No. EPA-HQ-OW-2018-0149

Re: Request for 200-day Comment Period and Additional Public Hearings on Proposed Rule - Revised Definition of “Waters of the United States” (84 FR 4154; Docket ID No. EPA-HQ-OW-2018-0149)

Dear Administrator Wheeler and Assistant Secretary James:

On behalf of the undersigned organizations representing 20,000 wetland and aquatic science professionals, we respectfully request that EPA and the US Army Corps of Engineers extend the public comment period from 60 days to a minimum of 200 days in length for the proposed rule “Revised Definition of ‘Waters of the United States’” (84 FR 4154; Docket ID No. EPA-HQ-OW-2018-0149). We also request that EPA hold additional public hearings in different geographic locations to gather sufficient and extensive input on the proposed rule. For example, over 400 meetings were held with a wide range of stakeholders during the process of developing the 2015 Clean Water Rule.

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. In this regard, the Agencies provided a 6-month comment period for the 2015 Clean Water Rule. Over one million comments were submitted regarding the 2015 Clean Water Rule, and it seems likely that a similar level of interest and engagement will attend the proposed “Revised Definition of ‘Waters of the United States’”, which inarguably has the potential to profoundly affect implementation of the Clean Water Act (CWA), one of the nation’s landmark and most comprehensive environmental laws.

Because of this potential, EPA should provide sufficient time and resources to the stakeholder community, including the wetland and aquatic science professionals represented by the undersigned organizations for their review of the proposed rule, and in acknowledgement of the benefits that will be provided based on this community’s collective knowledge and expertise. The risk of unintended consequences and adverse long-term effects resulting from such a sweeping rule must be addressed with diligence and caution. As addressed in EPA’s own statements to the press, this risk is further complicated by the unavailability of quality data to complete

rigorous analyses in a short timeframe. Therefore, 60 days is not sufficient to allow for an adequate, scientifically defensible review, as called for by the complexity and scope of the proposed rule. Additionally, a robust and geographically extensive public meeting program on a par with that of the 2015 Clean Water Rule is important in order to ensure that stakeholder concerns are identified and addressed, and that there is sufficient time for the public to conduct a thorough and science-based review of the proposed rule.

Wetlands and headwater streams provide essential services to communities, such as protection of drinking water quality and quantity, provision of flood storage, storm damage prevention, resilience against sea level rise and drought, and essential fish, shellfish, waterfowl and wildlife habitat. The economic value of these services is inestimable and is increasing as we face increasing risks from storms, drought, wildfires and rising seas. Wetlands occupy a small portion of the landscape yet deliver outsized benefits and economic value to society. Many of our members participated in preparation of the EPA's 2013 "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence"¹ report that documents the connectivity of wetlands and headwaters to downstream waters and would appreciate the opportunity to contribute their scientific expertise to a public comment process of sufficient length to allow for meaningful input from stakeholders.

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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International Association for Great Lakes Research
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Society of Wetland Scientists

CC: Michael McDavit, Oceans, Wetlands, and Communities Division, Office of Water, EPA
Jennifer A. Moyer, Regulatory Community of Practice, U.S. Army Corps of Engineers

¹ U.S. Environmental Protection Agency (USEPA) 2013 Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence. U.S. Environmental Protection Agency, Washington, D.C. EPA/600/R-11/098B.