

December 7, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Office of Policy Regulatory Reform
Mail Code 1803A
1200 Pennsylvania Ave NW
Washington, DC 20460

The Honorable Ryan A. Fisher
Acting Assistant Secretary of the Army for
Civil Works
Department of the Army
104 Army Pentagon
Washington, DC 20310-0104

RE: Docket ID Number EPA-HQ-OW-2017-0644: Comments on Definition of “Waters of the United States” – Addition of an Applicability Date to the 2015 Clean Water Rule

Dear Administrator Pruitt and Mr. Fisher:

On behalf of our millions of members and supporters, the undersigned hunting, fishing, scientific societies, and conservation groups strongly urge your agencies to extend the period during which you will accept citizen input on the proposed rule to add an applicability date to the 2015 Clean Water Rule (82 FR 55542).

Your planned twenty-one day comment period minimizes the input of the more than one million people who participated in the development of the 2015 rule and the 500,000 people who commented in opposition of the attempt to repeal the rule. It is an inadequate amount of time for stakeholders to engage meaningfully in this rulemaking process. With the recent opening of hunting season in states across the country, many of our members and supporters are currently outdoors in pursuit of their passions. With a shortened comment period, this leaves them with little time to voice their opinions about a rulemaking that greatly affects their way of life. The planned period for comment is far shorter than the sixty day time period that Executive Order 12,866 indicates is minimally appropriate for any rulemaking. For a rule of this nature, the agencies must provide much longer time for the public to make their voices heard.

EPA and the Army Corps adopted the Clean Water Rule to clarify longstanding confusion over which water bodies were protected under the Clean Water Act. The rulemaking responded to the request of stakeholders ranging from states to regulated dischargers to sportsmen and conservation groups. It was developed based on clear science, legal reasoning, and meaningful engagement of stakeholders. The agencies held over 400 meetings with a variety of stakeholders, including small business owners, farmers, energy companies, states, counties, municipalities, other federal agencies, sportsmen and conservation groups, and environmental organizations.

Considering the critical functions that these water bodies serve, the far-reaching ramifications of repealing – and/or substantially delaying – the Clean Water Rule would have on fish and wildlife habitat, and the extensive and extended comment period provided for the 2015 rule, we urge EPA and the Army Corps to extend the comment period so stakeholders have adequate time to meaningfully engage in this rulemaking process.

Sincerely,

American Fisheries Society
American Fly Fishing Trade Association
Fly Fishers International
Izaak Walton Federation of America
National Wildlife Federation
Theodore Roosevelt Conservation Partnership
Trout Unlimited