



ALASKA MINERS
ASSOCIATION

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August 16, 2021

Damaris Christensen
Oceans, Wetlands and Communities
Division Office of Water (4504-T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Stacey Jensen
Office of the Assistant Secretary of the
Army for Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0104

Submitted via www.regulations.gov

Attention: Docket ID No. EPA-HQ-OW-2021-0328

Re: Request for extension of time to provide written recommendations on the definition of Waters of the United States 86 Fed. Reg. 41911 (August 4, 2021)

Dear Ms. Christensen and Ms. Jensen:

On August 4, 2021, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) published a notice in the Federal Register providing information about their plans to revise the definition of the term “Waters of the United States” (WOTUS) under the Clean Water Act (CWA) and seeking feedback from the public on several topics. 86 Fed. Reg. 41911. The Federal Register notice stated public feedback must be received by the agencies no later than September 3, 2021.

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,400 members that come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Our members include individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska’s mining industry.

AMA respectfully requests a 60-day extension of the 30-day comment period to provide written recommendations on perspectives on defining WOTUS and how to implement the definition as the agencies pursue future rulemaking proceedings.

EPA Administrator Regan and other senior EPA and Army officials have committed publicly and before Congress to robust stakeholder engagement as it undertakes this rulemaking process. The scope of jurisdiction under the CWA is of fundamental importance to our members and to all economic sectors. Mining projects are regulated in one manner or another by the CWA. Given the significance of this issue, and the prior commitments by Administrator Regan and others, the public should be permitted more than 30 days to gather and analyze relevant information in order to provide informed feedback and recommendations on the broad range of topics that the Agencies are seeking feedback on.



AMA notes the Agencies have traditionally recognized the significance of changes to the definition of WOTUS by allocating longer comment periods. For example, the Agencies provided a 90-day comment period for pre-proposal recommendations on potential approaches to defining WOTUS. See “Definition of “Waters of the United States’—Schedule of Public Meetings,” 82 Fed. Reg. 40,742 (Aug. 28, 2017) (accepting written recommendations through November 28, 2017).

Limiting stakeholders’ ability to provide comments will only compromise the agencies’ stated goal of developing a definition that is durable and that can withstand judicial review and political pressure.

For these reasons, AMA therefore requests the comment period be extended to a total of 90 days. We appreciate your attention to this important issue. If you wish to discuss any of these concerns, please contact me at deantha@alaskaminers.org or at (907) 270-9234.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "D Skibinski".

Deantha Skibinski
Executive Director