



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

'AUG 6 2018

OFFICE OF WATER

Mr. Sam Sankar
Executive Director
Environmental Council of the States
50 F Street, NW, Suite 350
Washington, DC 20001

Dear Mr. Sankar:

I would like to engage with you and your members in the coming weeks to discuss the Environmental Protection Agency's interest in updating and improving implementation of Clean Water Act section 401. The EPA supports the effective use of CWA section 401 as a state and tribal water quality tool. Our recent Regulatory Agenda included an initiative to update existing section 401 certification regulations to enhance their effective use in a timeframe consistent with other permitting and planning activities. Given my focus on the importance of cooperative federalism, I want to ensure that the EPA is engaging with states and tribes on this important issue early in the process.

As you are aware, section 401 provides states and authorized tribes with an opportunity to evaluate and address the potential aquatic resource impacts of federally-issued licenses and permits. It is a direct grant of authority from Congress to the states. The EPA's primary roles under section 401 are to certify on behalf of tribes that do not have "treatment as states" status, and to facilitate an opportunity for neighboring jurisdictions to comment on a potential federal license or permit. Administrative regulations, which pre-date the establishment of the EPA, describe the process of certification and the process for notifying neighboring jurisdictions.

The EPA is in the process of considering updates to these regulations or other potential opportunities to provide clarifying guidance to the states, tribes, federal agencies, and the regulated community. I have asked the Acting Director of my Office of Wetlands, Oceans, and Watersheds, John Goodin, to take the lead in reaching out to you on this important issue. I hope to leverage your existing annual and other meetings with the Agency to initiate conversations and I look forward to hearing from you and your members. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ross", is positioned above the typed name of the Assistant Administrator.

David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 6 2018

OFFICE OF WATER

Ms. Julia Anastasio
Executive Director and General Counsel
Association of Clean Water Administrators
1634 Eye Street, NW, Suite 750
Washington, DC 20006

Dear Ms. Anastasio:

I would like to engage with you and your members in the coming weeks to discuss the Environmental Protection Agency's interest in updating and improving implementation of Clean Water Act section 401. The EPA supports the effective use of CWA section 401 as a state and tribal water quality tool. Our recent Regulatory Agenda included an initiative to update existing section 401 certification regulations to enhance their effective use in a timeframe consistent with other permitting and planning activities. Given my focus on the importance of cooperative federalism, I want to ensure that the EPA is engaging with states and tribes on this important issue early in the process.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 6 2018

Ms. Marla J. Stelk
Executive Director
Association of State Wetlands Managers
32 Tandberg Trail, Suite 2A
Windham, Maine 04062

OFFICE OF WATER

Dear Ms. Stelk:

I would like to engage with you and your members in the coming weeks to discuss the Environmental Protection Agency's interest in updating and improving implementation of Clean Water Act section 401. The EPA supports the effective use of CWA section 401 as a state and tribal water quality tool. Our recent Regulatory Agenda included an initiative to update existing section 401 certification regulations to enhance their effective use in a timeframe consistent with other permitting and planning activities. Given my focus on the importance of cooperative federalism, I want to ensure that the EPA is engaging with states and tribes on this important issue early in the process.

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David P. Ross
Assistant Administrator



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WASHINGTON, D.C. 20460

AUG 6 2018

OFFICE OF WATER

Ms. Paula Britton
Chair, Tribal Administrator
National Tribal Caucus
300 Cahto Drive
Laytonville, California 95454

Dear Ms. Britton:

I would like to engage with you and your members in the coming weeks to discuss the Environmental Protection Agency's interest in updating and improving implementation of Clean Water Act section 401. The EPA supports the effective use of CWA section 401 as a state and tribal water quality tool. Our recent Regulatory Agenda included an initiative to update existing section 401 certification regulations to enhance their effective use in a timeframe consistent with other permitting and planning activities. Given my focus on the importance of cooperative federalism, I want to ensure that the EPA is engaging with states and tribes on this important issue early in the process.

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David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 6 2018

OFFICE OF WATER

Mr. Ken Norton
Chair
National Tribal Water Council
P.O. Box 15004
Flagstaff, AZ 86011-5004

Dear Mr. Norton:

I would like to engage with you and your members in the coming weeks to discuss the Environmental Protection Agency's interest in updating and improving implementation of Clean Water Act section 401. The EPA supports the effective use of CWA section 401 as a state and tribal water quality tool. Our recent Regulatory Agenda included an initiative to update existing section 401 certification regulations to enhance their effective use in a timeframe consistent with other permitting and planning activities. Given my focus on the importance of cooperative federalism, I want to ensure that the EPA is engaging with states and tribes on this important issue early in the process.

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