



National Association of Conservation Districts

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Ms. Diana Eignor
Health and Ecological Criteria Division
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW, MC 4304T
Washington, DC 20460

Mr. Jonathan G. Kennen
New Jersey Water Science Center
U.S. Geological Survey
3450 Princeton Pike, Suite 110
Lawrenceville, NJ 08648

Attention: Docket No. EPA-HQ-OW-2015-0335

Submitted via Federal Rulemaking portal: <http://www.regulations.gov>

RE: EPA-USGS Technical Report: Protecting Aquatic Life from Effects on Hydrologic Alteration (Docket No. EPA-HQ-OW-2015-0335)

Ms. Eignor and Mr. Kennen,

The National Association of Conservation Districts (NACD) is pleased to submit the following comments on the draft EPA-USGS Technical Report: *Protecting Aquatic Life from Effects of Hydrologic Alteration*. (Docket: EPA-HQ-OW-2015-0335)

NACD represents America's 3,000 locally led conservation districts that work with millions of cooperating landowners and operators to help them manage and protect land and water resources on private and public lands in the United States. Established under state law, conservation districts share a single mission: to work cooperatively with federal, state and other local resource management agencies as well as private sector entities to provide technical, financial and other assistance to help landowners and operators implement conservation practices on the landscape.

Conservation and management of water quantities is key to maintaining a sufficient supply for multiple uses. Whether managing floods in times of excess, or mitigating the effects of drought in times of shortage, water management is an important component of water conservation. Conservation districts work with landowners, showing the country a way of living on the land that conserves and protects our soil, water and other natural resources.

While the technical report provides a plethora of information to the states, the report differs from other technical reports. The report "provides a flexible, nonprescriptive-framework to quantify flow targets to protect aquatic life from the effects associated with flow alteration", but also acts more inline as an unofficial guidance. The report focuses on how the Clean Water Act's (CWA) mechanisms can address hydrology and flow alterations. The report argues that "a state can include flow as a condition of Section 401 certification even if flow criteria are not yet adopted in state water quality standards".

National Headquarters
509 Capitol Court, NE, Washington, DC 20002
Phone: (202) 547-6223 Fax: (202) 547-6450
www.nacdnet.org



NACD believes that the report attempts to expand the CWA beyond Congress' original intent. The report as it stands, provides more than the start of a technical discussion, but rather attempts to encourage states to increase the number of activities requiring permits. Congress has and continues to view water quantity as a state right, to be managed at the discretion of the state. Any actions undertaken by the EPA in regards to water quantity should place a primary emphasis on educational, technical and financial assistance tools to assist land managers in addressing potential or actual resource problems and not in seeking to increase regulation.

The National Association of Conservation Districts would like to thank the Environmental Protection Agency (EPA) and the United States Geological Service (USGS) for providing to submit public comment. NACD looks forward to continuing to work with the EPA and USGS.

Sincerely,

Lee D. McDaniel

Lee McDaniel
President