



**ASSOCIATION OF
METROPOLITAN
WATER AGENCIES**

LEADERS IN WATER

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August 27, 2020

Mr. George Wallace
Assistant Secretary for Fish and Wildlife and Parks
Department of Interior

Mr. Chris Oliver
Assistant Administrator, National Marine Fisheries Service
National Oceanic and Atmospheric Administration

Via Regulations.gov

Re: Docket No. FWS–HQ–ES–2020–0047, *Endangered and Threatened Species: Listing Species and Designating Critical Habitat*

Dear Assistance Secretary Wallace and Assistant Administrator Oliver:

The Association of Metropolitan Water Agencies (AMWA), an organization representing CEOs and general managers of the largest publicly owned drinking water utilities in the United States welcomes the opportunity to comment on the Fish and Wildlife Service's (FWS) proposed definition of "habitat" under the Endangered Species Act (ESA).

AMWA has noted that the functionality of Regulations.gov – the portal designed to allow for the public to easily search rulemaking dockets for information and stakeholder comments as well as submit comments – has not allowed for stakeholders like AMWA and members of the public to access the information as promised on the portal. When attempting to access the website, users are currently brought directly to the beta site (beta.regulations.gov). This beta site has multiple flaws, most concerning is that the search functionality appears to be broken and has made locating the appropriate docket extremely difficult. Furthermore, once a user is able to access the docket, the comments which have already been submitted by the public are especially difficult to review as many have the same document title and are only distinguishable by their document number.

The website indicates that the beta site is being tested while the full functionality of the Regulations.gov site is supposed to be accessible and running at full capacity. However, both addresses only go to the beta site, which the site itself states is not fully functional. These issues

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have prohibited AMWA members from accessing relevant docket materials. Due to this problem, AMWA is requesting that FWS extend the comment period for at least 30 days, but more specifically, until the Regulations.gov site (or the beta site) is up and running and fully functional. Thank you for considering our request.

Sincerely,



Diane VanDe Hei
Chief Executive Officer

Cc: Gary Frazer, U.S. Fish and Wildlife Service
Samuel D. Rauch, III, National Marine Fisheries Service