



Consortium of  
Aquatic Science Societies

- American Fisheries Society • Association for the Sciences of Limnology and Oceanography
- Freshwater Mollusk Conservation Society • International Association for Great Lakes Research
- North American Lake Management Society • Phycological Society of America
- Society of Canadian Aquatic Sciences • Society for Freshwater Science • Society of Wetland Scientists

January 5, 2026

Ms. Stacey Jensen, Director  
Oceans, Wetlands and Communities Division  
Office of Water  
U.S. Environmental Protection Agency

Mr. Milton Boyd, Acting Director for Policy and Legislation  
Office of the Assistant Secretary of the Army for Civil Works  
Department of the Army

Re: Docket ID No. EPA-HQ-OW-2025-0322

Dear Ms. Jensen and Mr. Boyd:

The Consortium of Aquatic Science Societies (CASS) would like to offer comments for the Updated Definition of “Waters of the United States”. Our Consortium is composed of nine professional societies representing almost 20,000 individuals with diverse knowledge, work, and experience in the aquatic sciences. Our members work in the private sector, academia, nongovernmental organizations, and various tribal, state, and federal agencies. We support the development and use of the best-available science to sustainably manage our freshwater, estuarine, coastal, and ocean resources for broad economic, environmental and public health benefits.

The proposed 2025 Waters of the United States (WOTUS) definition narrows the scope of protection under the Clean Water Act (CWA) compared to prior rules, substantially weakening federal protection of U.S. waters. With the passage of the CWA in 1972, Congress aimed “to restore and maintain the chemical, physical, and biological integrity of the nation's waters.” To achieve this, the CWA curbed pollutant discharges and restricted the dredging and filling of

waters, including wetlands, to protect water quality for fish, wildlife, recreation, and human consumption. Congress intended to make waters fishable and swimmable. The proposed rule will not meet the intentions of the CWA and it is neither clear nor durable for determining jurisdiction.

**Weakened protections will lead to economic and ecologic harm to U.S. waters and communities.**

The attempts to underscore that groundwater is not considered WOTUS through a proposed exclusion will likely lead to violations of the Safe Drinking Water Act (SDWA) and place the responsibility of expensive treatments on communities rather than polluters. The State of Minnesota, for example, is in violation of the SDWA in southeastern Minnesota due to elevated levels of nitrate. WOTUS waters should help the nation achieve SDWA standards, instead a widening gap between protected waters and our drinking faucets will further threaten the quantity and quality of U.S. waters.

Under the new rule, wetlands must have water throughout a yet-to-be-defined “wet season” and maintain a continuous surface connection with navigable water. Wetlands that dry during the wet season, or those separated by structures like levees, berms, or roads, will not be protected. Wetlands in a mosaic will be subject to individual agency delineation, again reducing important off-channel water storage and ecosystem services such as processing pollutants. The most restrictive interpretation of the change projects up to 84% of wetlands that previously required a federal permit to dredge or fill would no longer be covered under the CWA (NRDC 2025). Their loss will lead to increased risk of flooding and degraded water quality (Acreman and Holden 2013; Creed et al. 2017).

If the final rule protects only perennial waters, federal jurisdiction could lose up to 8 million miles of streams (NRDC 2025). This legal definition conflicts with water connectivity science (EPA 2015). Headwaters process and retain significant nutrients (e.g., nitrogen), protecting the chemical integrity of downstream navigable waters (Alexander et al. 2007). Headwater streams (first through third order) comprise roughly 53% of US streams and 79% of total stream length (Colvin et al. 2019, Nadeau and Rains 2007). Crucially, 60% of US streams flow only seasonally or after precipitation, and these provide over half the volume of downstream waters (US EPA 2019; Brinkerhoff et al. 2024). The proposed rule therefore leaves half the nation’s flow without federal protection.

**This rulemaking ultimately leaves critical systems supporting drinking water, floodwater storage, and biodiversity unprotected, and these systems are vital for our nation’s security and economic prosperity.**

Public polls show that 72% of the U.S. public supports restoring federal protections of wetlands and streams to pre-rollback levels, and 96% of voters believe protecting the water in lakes, streams, and rivers is important (Walton Family Foundation 2024). Yet, the proposed WOTUS rule further weakens these protections. For the 24 states relying solely on the CWA, this creates a total regulatory vacuum, leaving those waters with little to no state or federal oversight (Sulliván et al 2025).

Thank you for this opportunity to provide feedback on issues pertaining to the implementation of the definition of the waters of the United States. We remain committed to working with your agencies to offer proactive solutions for protecting our priceless resources.

Sincerely,

American Fisheries Society  
Association for the Sciences of Limnology and Oceanography  
Freshwater Mollusk Conservation Society  
International Association for Great Lakes Research  
North American Lake Management Society  
Phycological Society of America  
Society for Freshwater Science  
Society of Wetland Scientists

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Walton Family Foundation 2024. Poll Shows Near-Universal Support for Protecting Water in Our Nation's Lakes, Streams and Rivers.

<https://www.waltonfamilyfoundation.org/about-us/newsroom/poll-shows-near-universal-support-for-protecting-water-in-our-nations-lakes-streams-and-rivers>