



Comments on the Department of Defense, Department of the Army, Corps of Engineers, U.S. Environmental Protection Agency Updated Definition of “Waters of the United States” [Docket No. EPA-HQ-OW-2025-0322]

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The Wildlife Society (TWS) thanks the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) for the opportunity to provide comments on its supplemental proposal to the 2025 “Updated Definition of ‘Waters of the United States.’” **TWS recommends that the Corps and EPA maintain the definition of WOTUS finalized in 2023 in lieu of the current supplemental proposal.** The current supplemental proposal would narrow the definition of WOTUS and reduce corresponding wetland protections in a manner that exceeds judicial requirements set in the 2023 *Sackett v. EPA* decision and is counter to the science-based management of stream and wetland habitats.

The protections afforded to the rivers, streams, and wetlands of the United States by the Clean Water Act (CWA) are critical in ensuring thriving fish and wildlife populations and communities across the nation. Given that few states offer these protections, weakening the regulatory implementation of this key federal law would have profound negative impacts on fish and wildlife habitat. Our organization of over 10,000 wildlife professionals includes members who manage the species and habitats that will be impacted if the current rulemaking proceeds. Conservation professionals also require clear, durable regulatory frameworks—like the definition of WOTUS—to manage these public trust resources.

Follow the statutory mandate of the Clean Water Act

The conforming 2023 rule issued by the Corps and EPA following the Supreme Court’s *Sackett v. EPA* decision resulted in the loss of federal CWA protections for an estimated two-thirds of all U.S. wetlands and 5 million miles of U.S. streams.¹ EPA and the Corps report that the current proposal would expand that loss to 80% of U.S. wetlands.² Other estimates show that 86 percent of freshwater wetlands could be without federal protections under the proposal.³ The mandate of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Thus, the rule proposed by the EPA and Corps not only exceeds the mandate of the Supreme Court, but actively conflicts with CWA’s statutory purpose.

Employ scientific standards for WOTUS protections

The proposed “perennial standard” and definitions for “relatively permanent” and “continuous surface connection” for the application of federal WOTUS protections ignore

¹ [AFS and CERF Urge Maintaining a Science-based definition of Waters of the US](#)

² [Regulatory Impact Analysis for the Proposed Updated Definition of Waters of the United States Rule](#)

³ [U.S. Wetlands and Streams Are Already Losing Protections-Why Make it Worse?](#)



the hydrology of ephemeral wetlands, intermittent streams, and other aquatic systems which are ecologically significant. Collectively, these standards and narrow definitions would isolate functional waterbodies from downstream ecosystems. The integrity of “traditionally navigable” waters is dependent on the health of waters which do not meet the proposed perennial standard.⁴

Temporary wetlands provide clean water and critical habitat for wildlife across the country. The Prairie Pothole Region of North America, for example, provides habitat for breeding waterfowl^{5,6}, shorebirds⁷, amphibians⁸, and other wildlife, as well as broader ecosystem services like carbon sequestration and water filtration. Intermittent streams, which make up approximately 81% of all streams in the southwestern U.S., maintain water quality, disperse nutrients and sediment, support groundwater recharge and discharge, sustain fisheries, prevent erosion, and sustain more diverse communities of plants and wildlife compared to surrounding uplands.⁹ It is critically important that non-perennial waters and wetlands continue to receive federal protections.

Conclusion

We recommend that the EPA and Corps avoid any further weakening to the definition of WOTUS, and instead continue to implement the 2023 conforming rule. TWS looks forward to supporting the science-based management of our nation’s waters, wildlife, and public trust resources.

Sincerely,

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⁴ [Connectivity of Streams & Wetlands to Downstream Waters: A Review & Synthesis of the Scientific Evidence](#)

⁵ U.S. Department of the Interior and Environment Canada. 1986. North American waterfowl management plan: a strategy for cooperation. U.S. Fish and Wildlife Service, Washington, D.C., USA; and Canadian Wildlife Service, Ottawa, Ontario, Canada. <https://nawmp.org/sites/default/files/2018-01/1986%20OriginalNAWMP.pdf>. Accessed 7 Aug 2026.

⁶ Blohm, R. J., D. E. Sharp, P. I. Padding, R. W. Kokel, and K. D. Richkus. 2006. Integrated waterfowl management in North America. Pages 199–203 in G. C. Boere, C. A. Galbraith, and D. A. Stroud, editors. Waterbirds around the world. The Stationery Office, Edinburgh, Scotland.

⁷ Niemuth, N. D., et al. (2008). Waterfowl use of Conservation Reserve Program grasslands in the Prairie Pothole Region of the United States. *The Auk*, 125(1), 20–29.

⁸ Niemuth, N. D., et al. (USGS Open-File Report / Publication). *Conserving Prairie Pothole Region wetlands and surrounding grasslands: Evaluating spatial patterns*.

⁹ [The Ecological and Hydrological Significance of Ephemeral and Intermittent Streams in the Arid and Semi-arid American Southwest](#)