



October 2013

## Deadline Approaching for Comments on EPA Draft Scientific Study on the Connectivity of Water and Implications for the Limits of Clean Water Act Jurisdiction

The United States Environmental Protection Agency (EPA), through the Science Advisory Board, is currently soliciting public comment on a recently released draft scientific report titled [Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence](#) (Connectivity Report). The Connectivity Report, once finalized, will support a rulemaking by EPA and the Army Corps of Engineers (Corps) clarifying the jurisdiction of the Clean Water Act. Written comments on the Connectivity Report must be received in the EPA docket by November 6, 2013. The Science Advisory Board will hold a public meeting on the Connectivity Report on December 16, 17, and 18, 2013, in Washington, D.C.

The Connectivity Report analyzes the connection pathways for all sources of water (streams, wetlands, and open waters) and highlights the many valuable functions they serve for downstream waters. According to the Connectivity Report, these water sources influence the transport of materials into downstream waters in a number of ways: (1) as a source of materials, such as water or food; (2) as a sink for removing or storing materials, such as sediment and contamination; (3) as a refuge for protecting materials and organisms; (4) as a catalyst for transforming materials, such as nutrients or contamination, into a different chemical form; and (5) as a source of lag, providing for the delayed release of materials such as storm water.

The Connectivity Report contains three major conclusions, summarized below:

1. All tributary streams, whether perennial, intermittent, or ephemeral, are physically, chemically, and biologically connected to and have important impacts on downstream rivers.
2. Wetlands and open waters in floodplain and riparian areas are physically, chemically, and biologically connected to rivers and streams. They provide temporary storage of groundwater to support base flows, transport sediment, remove and transform nutrients and other pollutants, and provide important habitat.

3. Unidirectional wetlands, or wetlands in landscape settings with a one-way hydrologic connection to downstream waters, provide numerous functions that can affect downstream waters. There is, however, insufficient information to generally characterize these functions. The connectivity of these wetlands to downstream waters varies both geographically and with time. Individual wetlands can be evaluated on a case-by-case basis.

In addition to the release of the Connectivity Report, EPA and the Corps submitted a draft proposed rule to the Office of Management and Budget for interagency review to clarify Clean Water Act jurisdiction. The draft rule aims to "provide greater consistency, certainty, and predictability nationwide by providing clarity for determining where the Clean Water Act applies and where it does not." [EPA Connect](#), Sept. 17, 2013. According to EPA, this increased clarity should result in shorter permit processing times and reduced costs. The Connectivity Report, once finalized, will provide the scientific basis for the rulemaking.

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For questions on the Connectivity Report and the draft proposed rule, please contact:

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