

April 23, 2025

The Honorable Lee Zeldin  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20004

The Honorable Lee Forsgren  
Acting Assistant Secretary of the Army for Civil Works  
Department of the Army  
108 Army Pentagon  
Washington, DC 20310

RE: Docket ID Number EPA-HQ-OW-2025-0093: Waters of the U.S. Definition Request for Recommendations

Dear Administrator Zeldin and Acting Assistant Secretary Forsgren,

On behalf of the 24 undersigned conservation organizations and our millions of members and supporters nationwide we offer these comments regarding the request for recommendations for defining the “waters of the United States.”

**Our organizations call on you to not take any action to further weaken the definition of “Waters of the United States.”** The conforming definition incorporates all the relevant tests set forth in the *Sackett* decision and further clarification is not necessary.

Basic federal Clean Water Act protections ensure the health and safety of all Americans and ensure that wildlife has the water resources it needs to thrive. The definition of “waters of the United States” determines which waters receive these needed protections and which are left to the risk of unregulated pollution and destruction. The scope of waters receiving Clean Water Act protections has already been alarmingly eroded as a result of the Supreme Court’s decision in *Sackett v. EPA* and can withstand no further, unwarranted rollbacks.

We strongly oppose any attempt to further weaken these protections with overly restricted and unsupported interpretations of key phrases in the *Sackett* decision such as “continuous surface connection,” as the EPA guidance document issued on March 12, 2025 seeks to do. Such interpretations are unjustified and will further undermine the ability of the Clean Water Act to achieve its goal of restoring and maintaining the chemical, physical, and biological integrity of our Nation’s waters. The costs of any further, unnecessary rollbacks will be borne by the public

in the form of less safe drinking water, increased flooding, increased wildfires, threats to core economic activities that provide jobs and stability to communities, and degraded and destroyed habitat for wildlife among other harms.

Polls consistently show that clean water is an American value, with [up to 94% of Americans from all parties supporting clean water protections](#). The *Sackett* decision has already hobbled the Clean Water Act, removing protections for about two-thirds of the Nation's wetlands and up to 5 million miles of the nation's streams.

The value of wetlands and small streams to clean water is indisputable. Wetlands filter the water that eventually flows from our taps, provide immense flood storage and retention, recharge groundwater and streams during dry times, and provide valuable habitat for wildlife among many other functions. Likewise, streams that do not flow year-round, provide over 50% of the flow or more to our most treasured rivers. This is our drinking water, the places that sustain us, and the places where we swim, hunt and fish. At [least 117 million people](#) – and probably far more – get their drinking water from sources fed by these streams. Clean water also fuels economies – communities and businesses cannot function without it and decades have shown that economic growth is not only compatible with, but benefits from, these protections.

Now is the time to strengthen clean water protections, not weaken them. We appreciate the opportunity to weigh on this important matter. We hope the EPA and the Corps will take seriously their obligation under the law to protect our nation's waters, communities, and public health.

Sincerely,

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Coordinator  
**American River Trees**

Dean Wilson  
Executive Director  
**Atchafalaya Baskinkeeper**

Thomas Anderson  
Administrative Director  
**Amigos de Bolsa Chica**

Sue Jensen  
Secretary  
**Boone-Dutch Creeks Watershed Alliance**

Harriet Festing  
Executive Director  
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**The River Project**