

Chair’s Instructions to Panel Members for Providing Comments on the Adequacy of the Science Supporting the Proposed Rule titled ”Definition of Waters of the United States under the Clean Water Act.”

Please provide comments in response to the questions listed below.

Questions

1. The proposed rule has defined Waters of the U.S. under the jurisdiction of the Clean Water Act to mean all tributaries of a traditional navigable water, interstate water, the territorial seas, or impoundment. This definition is based on the conclusion that a significant nexus exists between tributaries (as defined in the proposed rule) and the traditional navigable waters, interstate waters, and the territorial seas into which they flow. Please comment on the adequacy of the scientific and technical basis of this proposed definition.
2. The proposed rule has defined Waters of the U.S. under the jurisdiction of the Clean Water Act to mean all waters, including wetlands, adjacent to a traditional navigable water, interstate water, the territorial seas, impoundment, or tributary. This definition is based on the conclusion that a significant nexus exists between adjacent water bodies (as defined in the proposed rule) and traditional navigable waters, interstate waters, and the territorial seas. Please comment on the adequacy of the scientific and technical basis of this proposed definition.
3. The proposed rule has defined Waters of the U.S. under the jurisdiction of the Clean Water Act to mean, on a case-specific basis, other waters including wetlands, provided that those waters alone, or in combination with other similarly situated waters, including wetlands, located in the same region, have a significant nexus to a traditional navigable water, interstate water, or the territorial seas. Please comment on the adequacy of the scientific and technical basis of this proposed definition.
4. The proposed rule defines other terms and excludes specified waters and features from the definition of Waters of the U.S. Please comment on the adequacy of the scientific and technical basis of the other definitions and exclusions.
5. If you have any other comments about the adequacy of the scientific and technical basis of the proposed rule, please provide them as well.