



**Comments to the Science Advisory Board panel regarding the report –
*Connectivity of Streams and Wetlands to Downstream Waters***

Association of State Wetland Managers

December 13, 2013

The Association of State Wetland Managers (ASWM) is non-profit organization that represents and supports the work of state and tribal wetland managers across the U.S., and encourages the application of sound science, law, and policy in wetland programs. The Association has provided input from the states and tribes for many years during the consideration and development of numerous elements of wetland programs by the federal agencies. We strongly support the compilation of existing science to provide a foundation for clear definition of the scope of federal jurisdiction under the Clean Water Act.

ASWM appreciates the literature review and synthesis which resulted in the September 2013 draft report - *Connectivity of Streams and Wetlands to Downstream Waters*. The information contained in the report will not only support the overall regulatory framework of the Section 404 Program, but will provide a worthwhile reference for state wetland managers. Greater clarity with respect to defining waters subject to Clean Water Act jurisdiction will benefit state wetland managers in carrying out state wetland programs. We offer the following comments in the spirit of improving the clarity of the messages contained in the report, particularly as reviewed by policy makers and legal experts. In our review and evaluation, we focused in particular on the Executive Summary and Conclusions; these sections represent not only an “abstract” of the report, but are likely to be the primary sources of information for some users. As such, it is critical that they accurately capture the full range of knowledge outlined in the body of the report.

ASMW generally supports the Connectivity report, which provides an extensive and detailed compilation of current peer reviewed literature regarding the impact of headwater streams and wetlands on downstream waters. We also generally support the major conclusions and key findings as outlined in the Executive Summary, but suggest the addition of information as noted below.

- ***ASWM is concerned with the lumping and labeling of the very diverse group of wetlands that are not “riparian/floodplain wetlands” as “unidirectional wetlands,” and finds this term inappropriate. The simple label “other wetlands” is suggested.***

The conclusions of the report focus on hydrologic “connectivity” with downstream waters, and this concept is well-captured. However, the most significant impacts of headwater streams and wetlands on downstream waters may depend more upon biological or physical

in state law or used differently in describing the characteristics of streams examined to determine state jurisdiction. Thus it is important to precisely describe what 'ephemeral' and 'intermittent' are describing in the context of this report. Do they both exhibit bed and bank and flow characteristics? If an ephemeral stream flows for 'a few days after snowmelt ceases' wouldn't this indicate that some ephemeral streams flow much longer than would be indicated by 'flowing in response to local precipitation.' There seem to be a variety of descriptions of ephemeral streams in the report and it is not clear how they relate to each other.

- ***The report focuses primarily on connections between wetlands and rivers/streams; however, in accordance with the title, other downstream freshwaters should also be more fully recognized.*** We recognize that marine systems were not emphasized. However, downstream freshwaters protected by the Clean Water Act include such important systems as the Great Lakes and other non-riverine areas. The major conclusions should recognize these waters. For example:
 - At page 1-3 lines 28-29: Wetlands and open waters in landscape settings that have bidirectional exchanges with streams or rivers ***or other downstream waters such as the Great Lakes...*** [language in italics added].
 - At page 1-8 lines 33-37: Use of headwater streams as habitat is especially obvious for the many species that migrate between small streams and marine environments, ***or large freshwater systems such as the Great Lakes***, during their life cycles...

In addition, while the findings refer in only very limited ways to wetlands that are directly connected to waters such as the Great Lakes; these wetlands provide essential habitat and other functions.

In short, we urge a well-balanced summary of not only the hydrologic but also chemical and biological connections and relationships among wetlands and other waters, accurately reflecting the extensive review of scientific literature on these topics. The body of the report describes impressive scientific knowledge of the role of wetlands in larger aquatic systems, as applied daily by on the ground wetland managers. The Executive Summary should fully acknowledge the extent of current science – rather than focusing on inability to generalize across large, divergent groups of wetland types. We hope that the Executive Summary and conclusions fully acknowledge the robust, although still growing, body of scientific knowledge regarding wetland roles and relationships.

ASWM believes that the *Connectivity* report will facilitate development of a more streamlined regulatory process in accordance with the goals of the Clean Water Act §404 Program, without sacrificing scientific foundations. We greatly appreciate the efforts of the EPA Office of Research and Development and of the Scientific Advisory Board review panel, and appreciate the opportunity to comment at this time.