



December 23, 2025

Re: Docket ID No. EPA-HQ-OW-2025-0322

One Mississippi Comment Letter on Updated Definition of the Waters of the United States

Dear Administrator Zeldin,

Everyone deserves access to clean, safe water—a right endangered by proposed changes to the Clean Water Act (CWA). Protecting the rivers, wetlands, and streams that support our communities is essential, and for this reason, One Mississippi opposes efforts to weaken these critical protections.

One Mississippi is a growing national movement of over 20,000 people and over 75 organizations committed to protecting the future of the Mississippi River. Our program was founded in 2005 with a mission to protect, strengthen, and restore the Mighty Mississippi as a vital resource for future generations. Together, we join forces to take environmental action and set the bar for sustainability.

Weakening Clean Water Act protections threatens drinking water for 20 million people in the Mississippi River watershed, increases flooding and disaster costs, and endangers wildlife habitat. In April 2025, we urged you—via letter and oral testimony to the EPA—not to narrow protections for wetlands and streams as proposed in the Administration's proposed rule EPA-HQ-OW-2025-0322) to redefine 'Waters of the United States.'

The Sackett v. EPA decision in 2023 already resulted in a significant reduction in the number of wetlands protected by the Clean Water Act and in the removal of protections for countless miles of streams. No further action was necessary. As such, the proposed rule, which we are calling "the Polluted Water Rule," is nothing more than a gift to polluting industries.

The new proposed rule, published on November 17, 2025, clearly favors polluters at the expense of public health and the environment. We urge immediate reversal of this course. All wetlands, rivers, and streams warrant protection, and the EPA and the US Army Corps must fully enforce the Clean Water Act.

The "Polluted Water Rule" poses a significant risk to the Mississippi River mainstem states by stripping federal protection from at least 13.7 million acres of wetlands, an area about the size of West Virginia. Depending on how the rule is interpreted, as many

as 24.9 million acres of wetlands could be at risk in the mainstem Mississippi River states.

Many of our mainstem states lack statewide wetlands protections to fall back on. The cost and administrative burden associated with an effective permitting system are significant barriers to local wetland protection. Having a strong Federal permitting system creates efficiencies that save money and time while providing developers with certain minimum standards. This proposed rule will even threaten states with strong wetland protections because of the increased burden it imposes. There are also states in our watershed that cannot adopt a more stringent definition under WOTUS. Current analysis is ongoing, but it is estimated that somewhere in the following range will be lost:

State	Wetlands at risk under more-damaging scenario (acres)	Wetlands at risk under most-damaging scenario (acres)
<i>Arkansas</i>	761,242	1,974,472
<i>Illinois</i>	273,063	970,890
<i>Iowa</i>	239,524	611,417
<i>Kentucky</i>	89,487	298,291
<i>Louisiana</i>	833,639	3,890,316
<i>Minnesota</i>	7,646,108	8,938,409
<i>Mississippi</i>	1,110,560	3,192,860
<i>Missouri</i>	382,054	969,829
<i>Tennessee</i>	188,106	744,246
<i>Wisconsin</i>	2,148,080	3,333,227
Total	13,671,864	24,923,956
Percent Loss	44.05%	80.30%

**Based on the detailed analysis "Mapping Destruction: Using GIS Modeling to Show the Disastrous Impacts of Sackett V. EPA on America's Wetlands" by the Natural Resources Defense Council.*

Stronger, not more lenient, protections for rivers and wetlands are urgently needed as droughts, floods, runoff pollution, and development increase. Rivers and wetlands naturally fluctuate, which is essential for effective flood management. The dynamic nature of floodplain and wetland environments is what makes them among the most biodiverse and productive ecosystems. Even altered wetlands can improve water quality and flood control for major waterways like the Mississippi River. However, this rule encourages further wetland loss and does not recognize the multitude of benefits that stem from their dynamic and intermittent nature.

Our major concerns are:

1. The proposed rule's requirement that streams and wetlands have surface water "during the wet season" is problematic because it fails to define this period. Without a science-based, regional definition, many healthy streams may be excluded from protection.
2. The rule could allow more exceptions for wastewater and waste-treatment systems. It would also remove protections for many streams that do not flow all the time and for man-made structures that function like natural streams, which could lead to more uncontrolled pollution.
3. The rule would harm larger rivers, including the Mississippi River, because upstream waters that feed them may lose protection if they are connected by features such as man-made culverts, pipes, stormwater channels, or short dry stretches. This narrow definition, as currently written, is redefined as breaking the jurisdictional connection or "severing". However, pollution from these connections could and would still reach rivers and streams.
4. The rule requires "wetlands" to physically touch a protected water and maintain surface water through the wet season, which will have significant impacts as well. Reducing wetland protections will increase flood damage.

Over half—51 percent—of the Mississippi River's average discharge is at risk of contamination due to perennial, intermittent, and ephemeral streams in its headwaters. Twenty million people rely on the Mississippi River for drinking water. This threat of contamination is a significant liability and will increase water treatment costs for local municipalities, compounding the strain on municipal budgets already grappling with lost federal grant revenue, inflation, aging infrastructure, high interest rates, and tariff-fueled cost escalations.

Each acre of lost wetlands leads to an average annual rise of over \$4,500 in flood insurance claims. Allowing development on isolated wetlands in the Mississippi River watershed could raise insurance claims by an estimated \$26 billion to \$43 billion each

year. This rule would waste taxpayer dollars and contradict the Administration's commitment to reduce spending.

Strong, clear protection of waterways is essential to community well-being across the Mississippi River and the U.S. Protecting clean water is a priority that 94% of Americans affirm. The EPA's "Polluted Water Rule" threatens to undermine these protections.

The proposed rule does not adequately address the potential impacts on health, water quality, or flood prevention that may result from removing these protections. Under the proposed "Polluted Water Rule," polluters would face fewer requirements to treat waste, manage runoff, or prevent contamination. As a result, the public, rather than industry, would bear the consequences.

We urge you to reverse direction and restore the previous administration's definition, rather than considering a narrower jurisdiction for protection. Protecting rivers, wetlands, and streams that support our communities is essential for access to clean, safe water. Protecting and restoring our waterways and the economies that depend on them is essential for the land, people, and wildlife that depend on them.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly McGinnis", is displayed within a light purple rectangular box.

Kelly McGinnis
Executive Director
One Mississippi