



Information removals inhibit full analysis of the proposed redefinition of “Waters of the United States”

Environmental Data and Governance Initiative’s Comment on the Department of Defense; Department of the Army, Corps of Engineers; and Environmental Protection Agency Proposed Rule: Updated Definition of “Waters of the United States” (Docket No. EPA-HQ-OW-2025-0322)

January 5, 2026

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The Environmental Data and Governance Initiative (EDGI) is a network of academics, technologists, and non-profit professionals that promotes communities’ right to know, evidence-based policy-making, and public interest science. We document, contextualize, and analyze environmental data, information, and governance practices through multidisciplinary and cross-professional collaborative work. EDGI includes more than 100 members in North America residing in 15 U.S. states.

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The Environmental Data and Governance Initiative (EDGI) welcomes the opportunity to comment on the Department of Defense; Department of the Army, Corps of Engineers; and Environmental Protection Agency Proposed Rule: Updated Definition of "Waters of the United States" (Docket No. EPA-HQ-OW-2025-0322)

I. Introduction

EDGI opposes the proposed redefinition of “Waters of the United States” on the basis that 1. the proposed rule lacks consideration of relevant impacts of climate change, and 2. the agencies have removed and restricted access to crucial web resources relevant to the proposed rule before and during its public comment period. The proposed interpretation of jurisdictional waters disregards basic principles of hydrology and established science regarding the impacts of climate change on the hydrologic cycle. Further, the EPA has removed extensive web information about climate science and hydrology. Federal websites are indispensable resources for information related to regulatory issues, which the public relies on to write informed public comments among other forms of civic engagement. However, since January 2025 there have been extensive removals of information related to the proposed rule, including information about the possible impacts of the proposed rule on water quality and the regulatory history of WOTUS. This suppression of information is especially consequential given the agencies’ explicit request for comment on whether and how ecological and similar impacts should be considered in the proposed rule. These information removals weaken the public’s ability to thoroughly comment on the proposed rule, and undermine the Administrative Procedure Act.

II. Scientific consensus is disregarded in the proposed rule

Lack of consideration of climate change impacts

The agencies fail to fully consider the best available science in their proposed rule, directly undermining a key tenet of the Clean Water Act. The proposed rule makes no explicit mention of the role of climate change, and fails to account for the extensive impacts scientific research has demonstrated that climate change has on hydrology and water quality.

The proposed rule hinges on changes to the definition of terms such as “[relatively permanent waters](#)” and “[continuous surface connection](#),” establishing that jurisdictional waters must have surface water throughout the “wet season,” which is described as “[an extended period where there is continuous surface hydrology resulting from predictable seasonal precipitation patterns year after year](#).” This novel interpretation of jurisdictional waters disregards basic principles of hydrology and established science showing the impacts of climate change on the hydrologic cycle.¹ Scientific consensus shows that climate change already has and will continue to impact water flow during wet and dry seasons, notably by destabilizing historically predictable seasonal precipitation patterns.² Further, this proposed rule ignores the historical pattern of hydrologic variability that has long been present in arid regions of the western U.S., a pattern that is only increasing under climate change as drought periods extend and winters become wetter.³ We urge the agencies to complete a comprehensive analysis of climate change impacts on seasonal precipitation and historical wet and dry seasons, and to meaningfully consider the results of this analysis for the final rule.

Beyond impacting seasonal precipitation, climate change also negatively impacts water quality, particularly by increasing temperature and flow in rivers, lakes and streams and by increasing extreme weather events, which place stress on already aging water infrastructure, overflow sewer systems, and flush nutrients and other pollutants into hydrologic systems.⁴ As a result, the realities of climate change should inform a more careful approach to protecting our nation’s waters, not less. The current administration’s politicization of climate change and actions to weaken the role of climate science undermine bedrock laws like the Clean Water Act, which

¹ Trenberth, K.E. (2008). The Impact of Climate Change and Variability on Heavy Precipitation, Floods, and Droughts. In Encyclopedia of Hydrological Sciences (eds M.G. Anderson and J.J. McDonnell).

<https://doi.org/10.1002/0470848944.hsa211>

² UCAR, “The Water Cycle and Climate Change,” UCAR | Center for Science Education, accessed January 5, 2026,

<https://scied.ucar.edu/learning-zone/climate-change-impacts/water-cycle-climate-change>.

³ Cook, B.I., Mankin, J.S. & Anchukaitis, K.J. Climate Change and Drought: From Past to Future. *Curr Clim Change Rep* 4, 164–179 (2018). <https://doi.org/10.1007/s40641-018-0093-2>

⁴ WHITEHEAD, P. G., R. L. WILBY, R. W. BATTARBEE, M. KERNAN, and A. J. WADE. 2009. “A Review of the Potential Impacts of Climate Change on Surface Water Quality.” *Hydrological Sciences Journal* 54 (1): 101–23. doi:10.1623/hysj.54.1.101.

legally require the use of the best available science in proposed rules like these that establish federal jurisdiction.

Information linking climate change, hydrology, and water quality has been systematically removed from federal webpages

Since January 2025, federal agencies have restricted access to key scientific and technical documents, as well as other public resources related to climate change and underlying science. These removals are especially consequential for the proposed rule, given that the agencies have insufficiently considered the role and impacts of climate change when it comes to identifying jurisdictional waters under WOTUS. These removals of information directly undermine the public's ability to identify, analyze, and comment on these impacts as they relate to the proposed rule. EDGI has documented the removal and restriction of access to key climate change information such as hundreds of resources about teaching climate,⁵ and the US Global Change Research Program's National Climate Assessments.⁶ Below we detail some more recent information removals that are especially relevant to the proposed rule.

In July 2025, the EPA removed its [20-Watersheds Interactive Tool](#) from the web. 20-Watersheds summarized the results of simulations that modeled watershed quality in different regions in response to diverse climate change and urban development scenarios.⁷ It was a key resource from the EPA's Global Change Explore (GCX) program, whose mission is to analyze the vulnerability of ecosystems and human health to climate change and other environmental stressors.⁸ The removal of this tool suggests a targeted effort to divorce water quality and watershed health from the impacts of climate change, while simultaneously undermining the public's ability to analyze these relationships for themselves.

In September, the EPA removed the website for the [Creating Resilient Water Utilities \(CRWU\)](#) initiative, a change that has significant impacts on the public's understanding and ability to comment on the impacts of climate change on water quality. CRWU, which had originally been named "Climate Ready Water Utilities,"⁹ provided tools to increase the water sector's resilience to climate change. With deletion of the CRWU website, several resources including [risk and resilience trainings](#), [technical assistance for water utilities](#), and [adaptation funding opportunities](#)

⁵ EDGI, "NOAA removes 'Teaching Climate' resources from [Climate.gov](#).

<https://envirodatagov.org/noaa-removes-teaching-climate-resources-from-climate-gov/>

⁶ EDGI, "Climate of Suppression: Environmental Information Under the Second Trump Administration", Environmental Data & Governance Initiative, August 6, 2025.

<https://envirodatagov.org/wp-content/uploads/2025/08/Climate-of-Suppression.pdf>

⁷ US Environmental Protection Agency, "About the 20-Watersheds Tool", US EPA, September 21, 2020, https://19january2021snapshot.epa.gov/gcx/about-20-watersheds-tool_.html

⁸ US Environmental Protection Agency, "Global Change Explorer," US EPA, Accessed January 5, 2026, <https://web.archive.org/web/20260105193229/https://www.epa.gov/gcx>

⁹ Columbia Law School, "Word 'Climate' Removed from EPA Program Name and Website," Sabin Center for Climate Change Law, accessed January 5, 2026, <https://climate.law.columbia.edu/content/word-climate-removed-epa-program-name-and-website>.

are now gone, in addition to the Climate Resilience Evaluation and Awareness Tool (CREAT), which helped water sector utilities evaluate how climate change impacted their assets and operations.¹⁰ In addition to the direct effects of deprecating CRWU and its sub-programs and tools, the removal of the CRWU website ahead of the public comment period compromises the public's ability to comment on the importance of considering climate impacts for the proposed rule.

On December 3, 2025, the EPA removed extensive climate change information from its website,¹¹ including the removal of several resources linking climate change and water. The agency purged its website of information related to the causes, indicators, and impacts of climate change, including the impacts of climate change on water resources. Notably, pages for ["Climate Change Impacts on Freshwater Resources"](#) and ["Climate Change Impacts on Coasts,"](#) which discussed impacts such as nutrient runoff, algal blooms, saltwater intrusion, and ocean acidification, are now gone. These resources also discussed the ways climate change stresses water infrastructure, decreasing its ability to work well and offset other climate impacts. Notably, these pages urged readers to learn more through several other linked resources that have also been removed from the web, including the National Climate Assessments and the CRWU website.

III. Essential resources for commenting on proposed rule impacts have been suppressed

The agencies solicit public comments on whether and how the proposed rule should consider the ecological and other impacts of redefining WOTUS as they intend, but this request is undermined by the agencies' extensive removal of web information that facilitate the public's understanding and ability to comment on these impacts. In redefining WOTUS to adhere with the *Sackett v. EPA* (2023) Supreme Court decision, the agencies declare that the results of the Regulatory Impact Analysis for the proposed rule should not dictate the interpretation of WOTUS or the designation of Federal versus Tribal or State waters, stating that "[The agencies now recognize that, as the Supreme Court explained in Sackett, 'the CWA does not define the EPA's jurisdiction based on ecological importance' or similar impacts.](#)" The agencies invite challenges to this perspective, stating that they "[\[seek\] comment on the view that impacts are not an appropriate decisional basis in implementing the Act's jurisdictional scope and, if so, on what basis and to what extent the agencies may consider such impacts.](#)" However, federal agencies have simultaneously restricted access to- and removed- key resources that the public can use to understand the ecological and other implications of the WOTUS definition and its proposed changes, including information about water pollution and the EPA's broader role in

¹⁰ "Climate Resilience Evaluation & Awareness Tool (CREAT)," U.S. Climate Resilience Toolkit, accessed January 5, 2026, <https://toolkit.climate.gov/tool/climate-resilience-evaluation-awareness-tool-creat>.

¹¹ EDGI, "EPA Scrubs Information About Climate Change Indicators and Impacts," Environmental Data & Governance Initiative, 2025.

<https://envirodatagov.org/epa-scrubs-information-about-climate-change-indicators-and-impacts/>

maintaining watershed health. These removals of information undermine the public's ability to understand ecological factors related to the proposed rule, and comment on the impacts of redefining WOTUS on the affected water bodies as the agencies request.

Scientific analysis of water pollution made impossible with the removal of key tool

Scientists' ability to analyze nutrient data to protect the designated uses of state, territorial or Tribal surface waters has been significantly hindered by the removal of the Nutrient Specific Technical Exchange Partnership & Support (N-Steps) online portal. In November 2025, the [EPA's page for "Source Water Protection Practices"](#) removed a link to and information about N-Steps, and [the link now returns a "page not found" error](#). This portal was an essential resource for examining criteria development, and included data and resources that informed an integrated summary of existing technical guidance for various waterbody types. The timing of this online resource library's removal prevents researchers, scientists, and communities from including this essential information and analysis about nutrient pollution and criteria development in their public comments. The EPA's page for the N-Steps program currently states that "[The EPA is in the process of transferring N-STEPS Online to a new platform and expects to provide a live link in Winter 2025-2026](#)." As such, longtime N-Steps users are largely in the dark regarding the ways the platform will change and how these changes will affect their ability to request, access, and interpret the data they rely on to develop nutrient criteria.

Removal of information about EPA's role in maintaining healthy watersheds

Protection of our nation's waters is not only contingent on strong WOTUS definitions, but also on myriad government programs and initiatives to address watershed health. The EPA has suppressed information about various agency partnerships and programs for maintaining healthy watersheds, and the EPA's own role in doing so. An understanding of the EPA's approach to water quality protection on a larger scale is integral for the public to comment on the impacts of the proposed rule as it relates to other agency actions. By quietly removing information on these initiatives, rather than clearly communicating the agency's changing approach to its watershed protection initiatives, the public can not understand- or comment on- the impacts of redefining WOTUS as it intersects with other agency program changes.

In March 2025, the EPA removed information about several programs and grants from its page for "[What EPA is Doing for Healthy Watersheds](#)." The removals include mentions and a link to the EPA's Strategic Plan, an entire section on the Healthy Watersheds Consortium Grant, and contact information for program contacts in every EPA region. Following these removals, in May and June 2025, the EPA removed several pages related to its Healthy Watersheds Program, including pages for "[Initiatives to Create and Protect Healthy Watersheds](#)," "[Healthy Watersheds](#)

[Program Reports](#), “[Tools and Resources to Protect Watersheds](#),” and its pages for “[Healthy Watersheds Projects](#)” in every EPA region. These information removals imply that maintenance of clean water is being deprioritized on many fronts, not just by weakening the definition of WOTUS. In order for the public to formulate informed public comments on the proposed rule it is imperative that they maintain knowledge and access of the interconnected ways the EPA is changing its approach to watershed health.

IV. Regulatory history of WOTUS and CWA has been strategically deleted

The EPA has also suppressed critical information about the Clean Water Act itself, including past definitions of WOTUS. The proposed rule at hand does not mark the first time the definition of WOTUS has been changed to comply with *Sackett*; in May 2023 the Biden administration finalized a rule for the same purpose.¹² As a result, access to sufficient information about the history of the Clean Water Act, past interpretations of *Sackett*, and past definitions of WOTUS are crucial for writing informed public comments. The proposed rule itself details the history of the Clean Water Act and past definitions of WOTUS, but this information is not nearly as accessible and comprehensible to the public as information on the EPA website.

Hiding the history of WOTUS

The definition of WOTUS has been hotly contested since the inception of the Clean Water Act; it has been redefined at least five times since 2015,¹³ and this proposed rule marks the second change to the definition since the 2023 *Sackett* decision.¹⁴ These changes reveal a complex process where legal definitions of WOTUS and the interpretation of *Sackett* are subject to external political pressures under every new administration. The changes are difficult for lay persons to follow and require public information to make clear and comprehensible the timeline of past WOTUS definitions over the years. Yet, the EPA has made such information less accessible on its website, undermining the public’s ability to understand previous definitions of WOTUS, the way these definitions differ, and the regulatory precedent supporting the current proposed rule.

¹² Harvard Law School Environmental & Energy Law Program, “Defining Waters of the United States (WOTUS),” Environmental and Energy Law Program, accessed January 5, 2026, <https://eelp.law.harvard.edu/tracker/defining-waters-of-the-united-states-wotus/>.

¹³ Rollins, Brigit, “Waters of the United States: Timeline of Definitions,” National Agricultural Law Center, April 21, 2020, <https://nationalaglawcenter.org/wp-content/uploads/assets/articles/WOTUS-Timeline-23.pdf>

¹⁴ Rollins, Brigit. “WOTUS UPDATE: EPA & Corps Propose New Definition.” National Agricultural Law Center, December 2, 2025. <https://nationalaglawcenter.org/wotus-update-epa-corps-propose-new-definition/>.

In November 2025, the EPA removed extensive information about public engagement for past definition changes to WOTUS from its page for “[Public Outreach and Stakeholder Engagement Activities](#).” The removals include video recordings, links, and webinars related to prior outreach on WOTUS, including public comment and public hearing information, Tribal roundtables, and pre-proposal public meetings. The removed content was unique in that it presented a dynamic conversation between the government and the public when it came to the definition of WOTUS, and could have helped the public better understand and comment on the proposed rule. This information showed how the public has engaged with previous WOTUS redefinitions, including common questions and concerns and the agency’s response to them. Removing this information makes a clear understanding of the proposed rule more difficult, and these removals’ November timing indicates a targeted effort to obscure information in advance of the public comment period for the proposed rule. By contrast, information about stakeholder engagement since 2021 changes to WOTUS stayed present on the page during and after the September 2023 redefinition.

The EPA also removed broader contextual information about past proposed rules redefining WOTUS. On EPA’s page for “[About Waters of the United States](#),” links were removed to pages for “[Revising the Definition of ‘Waters of the United States’](#),” “[Amendments to the 2023 Rule](#),” and “[Training Presentations](#),” and were replaced with a link to “[Updated Definition of ‘Waters of the United States’](#).” The removed pages, especially the page for “Revising the Definition of Waters of the United States,” housed extensive information on various rules that redefined WOTUS, dating back to 2021. In addition to general information about the rules, the pages hosted links to webinars, public trainings, and much more extensive information on these past rules and their implementation. Meanwhile, the new page only speaks on the current 2025 proposed rule, and includes no context on past interpretations of the *Sackett* decision or other definitions of WOTUS. While the removed pages are still available online, they are now nearly impossible to navigate to from the EPA’s main “[Waters of the United States](#)” website.

Information suppression unfairly impacts overburdened communities

The widespread removal of web information related to environmental justice (EJ) in the early months of 2025 unfairly hinders communities who are disproportionately burdened by water pollution from commenting on the impacts of the proposed rule. In January, the EPA removed links to the [NPDES Program Policy for addressing EJ and equity in NPDES permitting](#) from its page for [Resources for Permit Writers](#). The EJ framework outlined how NPDES aimed to use federal laws to mitigate inequitable impacts of permitting actions. NPDES is a central aspect of the Clean Water Act, and the proposed rule’s Regulatory Impact Analysis states that the agencies [foresee the issuance of fewer section 402 permits through NPDES](#). This removal, along with the EPA’s broader deprioritization of environmental justice, suggests that certain communities will feel significantly more impacts of the proposed weakening of WOTUS and issuance of fewer 402 permits. By restricting access to this document, the EPA deprives the public of the ability to analyze and comment on the ways the proposed rule will impact them,

and undermines the fairness that is a central tenet of the Administrative Procedure Act. Adding insult to injury, these removals unfairly impact communities who are already disproportionately burdened by water pollution, perpetuating historical harms while undermining their ability to engage in the public commenting process.

Furthermore, in April 2025, a [30+ page resource](#) by the EPA Office of Water and Office of Science and Technology outlining methods for "Modernizing Public Hearings for WQS Reviews" was removed from its page for "[State-Specific Water Quality Standards Effective Under the Clean Water Act \(CWA\)](#)". The document suggests how states and Tribes could conduct online public hearings in lieu of in-person events, along with other ways the public hearing process could be updated in accordance with newer technologies. Although the resource is still available through an online search, its removal from the EPA's webpage makes it significantly less accessible to the public. The removal of the document has implications for keeping the public informed on possible future changes to the public hearing process and ways to engage with the federal government about the Clean Water Act. On a broader scale, the removal also suggests a step back in attempts to make public hearings more accessible to the public.

V. Conclusion

The proposed redefinition of "Waters of the United States" disregards scientific evidence of the impacts of climate change on the hydrologic cycle. Essential information and resources for contextualizing the rule have been removed ahead of and during the public comment period, interfering with the public's ability to author substantive comments. Not only has information on WOTUS and the history of the Clean Water Act been removed, but also information on water pollution, healthy watersheds, resilient water utilities, and the impacts of climate change on water quality. These removals undermine the opportunity for comments to incorporate thorough analysis of the latest scientific evidence.

The removal of information necessary for interpreting the proposed rule as well as the proposed rule's failure to consider the role of climate change in present and future hydrologic connectivity, prevent the full consideration of the scientific evidence of the impacts of the proposed redefinition. As a result, the Environmental Data and Governance Initiative opposes the Environmental Protection Agency and the Department of the Army's proposed rule to revise the definition of "Waters of the United States" and related changes to the scope of Federal jurisdiction under the Clean Water Act.