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April 23, 2025

Stacey Jensen
Oceans, Wetlands and Communities Division
Office of Water (4504-T)
Environmental Protection Agency
1200 Pennsylvania Avenue
NW, Washington, DC 20460

**RE: Waters of the United States Rulemaking
Docket ID No. EPA-HQ-OW- 2025-0093**

Dear Ms. Jensen:

The Iowa Environmental Council (IEC) offers the following comments on the solicitation for stakeholder feedback on “WOTUS Notice: The Final Response to SCOTUS; Establishment of a Public Docket; Request for Recommendations,” EPA Docket No. EPA-HQ-OW-2025-0093. . These comments represent the views of the Iowa Environmental Council, an alliance of more than 100 organizations, at-large board members from business, farming, the sciences and education, and over 500 individual members. IEC’s members hike, fish, paddle, swim, and recreate in and around wetlands, lakes, rivers, and streams throughout the state.

As a state covered with impaired waters that has lost nearly all its wetlands, Iowa faces a threat of further harm from a loss of federal protections. A rule narrowly interpreting the Waters of the United States would worsen life for Iowans and the landscapes we love.

Changes to the definition of Waters of the United States will have the most significant impact on wetlands and ditches. Congress itself has called wetlands “a priceless resource” and declared the loss of the majority of wetlands in the country “environmentally unacceptable.”¹

Based on analysis by the Natural Resources Defense Council,² reproduced below, Iowa stands to lose protection for between 41 percent and 98 percent of the few remaining wetlands in the state.

¹ H.R. REP. NO. 99-271, pt. 1, at 86–87 (1985), *reprinted in* 1985 U.S.C.C.A.N. 1103, 1188, 1985 WL 47145.

² NRDC, “Mapping Destruction,” Mar. 24, 2025, available at <https://www.nrdc.org/resources/mapping-destruction>.

TABLE 1: WETLANDS AT RISK UNDER MODELED SCENARIOS

State	Baseline: Regulatory Wetlands		Damaging Scenario		More Damaging Scenario		Most Damaging Scenario	
	Number of Regulatory Wetlands	Acres of Regulatory Wetlands	Percent Number of Wetlands at Risk	Percent Acres of Wetlands at Risk	Percent Number of Wetlands at Risk	Percent Acres of Wetlands at Risk	Percent Number of Wetlands at Risk	Percent Acres of Wetlands at Risk
District of Columbia	48	196.6	44%	12%	52%	17%	92%	87%
Florida	623,103	10,073,409.7	18%	3%	80%	56%	86%	77%
Georgia	376,002	4,154,502.3	32%	8%	69%	36%	91%	82%
Idaho	202,943	766,889.2	48%	17%	66%	35%	98%	93%
Illinois	160,740	1,011,344.0	47%	13%	64%	27%	96%	96%
Indiana	166,982	719,554.7	25%	5%	72%	45%	98%	97%
Iowa	260,450	630,326.4	41%	18%	65%	38%	98%	97%

The state legislature recognized in 1989 that we had already lost 98 percent of wetlands in the state.³ These wetlands have unique value: we have rare and unusual wetlands, such as isolated fens and prairie potholes, and our remaining wetlands provide multiple benefits.

Each acre of wetland in Iowa provides \$745 in flood protection value annually. Cumulatively, this amounts to \$477 million per year in reduced flood costs for the state. In the last six years, we have had 71 percent of our counties declared disaster areas due to flooding, and 40 percent of counties were declared disaster areas due to flooding more than once. Wetlands process and treat water to reduce pollution, which reduces the treatment costs for downstream drinking water utilities. For a state with the second-highest cancer rate and significant pollution of drinking water sources, we need all the wetland filtration we can get. Finally, wetlands provide habitat for migratory waterfowl and other wildlife that cannot survive elsewhere.

Wetlands also capture rainfall and surface runoff, allowing water to infiltrate through the soil and replenish groundwater supplies. Although they may not always appear connected to other water bodies, wetlands play an important role in sustaining the broader regional water system. In Iowa, the loss of wetlands has clearly demonstrated this connection—when these ecosystems disappear, groundwater supply wells often struggle to produce enough safe drinking water for residents.

Finally, wetlands furnish habitat for migratory birds and other wildlife that cannot survive elsewhere. These unique ecosystems provide essential resting, feeding, and breeding grounds along birds' long-distance journeys. Various species of amphibians, aquatic plants, and invertebrates rely on the specific hydrology and ecology of wetlands for reproduction, feeding, and shelter. Without wetlands, these specialized species would face serious decline or extinction.

Iowa developed Nutrient Reduction Strategy in 2013 and codified it as state policy in 2018.⁴ The Strategy calls for building and restoring more wetlands to reduce the nutrients in fertilizer we send to our rivers and streams. Taxpayer money goes to pay for these wetlands to offset our past losses. Reducing the federal protections would undermine these state efforts and public investments.

Iowa has an extensive ditch system created in the process of draining wetlands for agricultural purposes. The ditches may not flow during droughts like the one Iowa recently experienced, but

³ IOWA CODE § 455A.15.

⁴ IOWA CODE § 455B.177.

terrestrial and aquatic life depend on these ditches as the only source of water in some areas. Where the ditches provide habitat and other benefits, they merit protection under the Clean Water Act.

These waters are at risk because they may not have standing water 100 percent of the time. They may have roads or other barriers that separate them from other waters, even if they are hydrologically connected. This does not diminish their importance, and their existence still influences interstate commerce, the legal hook for coverage under the Clean Water Act.

The definition EPA adopts will determine whether these waters continue to benefit Iowans' water quality, water supply, and ecosystems downstream. We request that EPA adopt a definition of Waters of the United States that protects the maximum extent of waters allowed by the *Sackett* ruling. Our residents depend on these waters for their numerous benefits.

Thank you for your consideration.

Sincerely,

/s/ Michael R. Schmidt

Michael R. Schmidt
General Counsel
Iowa Environmental Council

/s/ Colleen Fowle

Colleen Fowle
Water Program Manager
Iowa Environmental Council