



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 28 2014

OFFICE OF WATER

The Honorable Lamar Smith
Chair, Committee on Science, Space, and Technology
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in response to your request for certain state-by-state maps developed by the EPA using data from the United States Geological Survey (USGS) depicting certain water resources within the United States. On July 9, 2014, at a hearing before your committee, questions arose over the existence and use of certain maps, and the extent to which they depict waters protected by the Clean Water Act (CWA). While there are maps depicting water resources on both a national and state scale maintained by multiple agencies, I wish to be clear that EPA is not aware of maps prepared by any agency, including the EPA, of waters that are currently jurisdictional under the CWA or that would be jurisdictional under the proposed rule.

In response to your request, the EPA has identified both national and state maps prepared for EPA which depict certain water resources within the United States, but that are not specific to jurisdictional waters under the CWA. Maps were originally prepared in 2005 and subsequently updated as more information became available in 2009 and 2013. We are enclosing electronic versions of maps originally prepared in 2005 and updated versions prepared in 2013.

When originally developed in 2005, the EPA worked with data collected by the USGS to prepare statewide maps depicting stream flow patterns by watershed. It is my understanding that they were prepared at that time in part to better understand the potential impacts of certain court decisions to aquatic resources, but not to depict the scope of waters protected under the Clean Water Act. Since that time the maps have been updated as USGS data improved. The current maps continue to rely exclusively on USGS data for showing water resources such as streams, rivers, lakes, and other waterbodies. Due to the resolution limitations of the maps, they are not effective in distinguishing consistently between land and water. The mapping is being used by the agencies, including EPA, to identify the potential extent and location of various types of waterbodies and, in particular, visually representing data regarding regional patterns of stream flow characteristics nationwide and within states.

To EPA's knowledge, no national or statewide maps have been prepared by any agency, including EPA, showing the scope of waters subject to the Clean Water Act or representing

jurisdiction under the Army/EPA proposed rule. To develop maps of jurisdictional waters requires site-specific knowledge of the physical features of water bodies, and these data are not available and are not shown on any EPA maps. Additionally, in order for certain water features to be visible on the national and state maps they must be shown by a discernible line that is not to scale and does not represent the actual width of the water feature. At state and national scales, this can give the false impression that most of the state is "water," when in fact that is clearly not the case. I urge you to keep this in mind as you and your staff are reviewing the maps we are providing today.

I hope the information I have provided to you is helpful to you and your staff. Should you have any questions regarding the maps we have provided or what they do and do not depict, please feel free to contact me or your staff may contact Denis Borum in the Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Stoner', with a stylized flourish at the end.

Nancy Stoner
Acting Assistant Administrator

Enclosures

cc: The Honorable Eddie Bernice Johnson
Ranking Member



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 6 2014

OFFICE OF WATER

The Honorable Lamar Smith
Chairman, Committee on Science,
Space, and Technology
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is in further response to your request for certain maps developed by the U.S. Environmental Protection Agency depicting certain water features within the United States. On July 28, 2014, the EPA transmitted to your Committee state-by-state and national maps depicting certain water features derived from data developed by the U.S. Geological Survey.

Following our transmittal of the USGS-derived maps, the Committee expressed interest in receiving additional maps developed by the EPA using data from the U.S. Fish and Wildlife Service, which depict water resources such as wetlands and deepwater habitats. Pursuant to this request, electronic versions of these maps are provided on the enclosed disc. Similar to the USGS maps provided to the Committee last week, the enclosed maps were not prepared for the purposes of depicting waters that are jurisdictional under the CWA or that would be jurisdictional under the Army/EPA proposed jurisdictional rule.

The data developed by FWS is part of publicly available information collected in the FWS National Wetlands Inventory, and can be accessed at <http://www.fws.gov/wetlands/>. The maps we are providing today are based on NWI data available as of January 2013. It is important to note that the FWS definition of "wetland" is broader than the definition of "wetland" in the CWA. As a result, the maps we are providing today do not depict the scope of waters protected under the CWA, nor do they depict the scope of waters that would be protected under the Army/EPA proposed jurisdictional rule. Moreover, as was the case with the USGS maps provided to the Committee last week, these maps have not been used for any regulatory purpose.

As I noted in my July 28, 2014, letter, to the EPA's knowledge, no national or statewide maps have been prepared by any agency, including the EPA, depicting the scope of waters subject to the CWA or representing jurisdiction under the Army/EPA proposed rule. To develop maps of jurisdictional waters requires site-specific knowledge of the physical features of water bodies, and these data are not available and are not shown on any EPA maps. Additionally, in order for waterbodies to be visible on the national and state maps, they must be shown by a discernible line that is not to scale and does not represent the actual waterbody width. At state and national scales, this can give the false impression that most of the state is "water," when in fact that is clearly not the case. We urge you to keep this in mind as you and your staff are reviewing the maps we are providing today.

I hope the information I have provided is helpful to you and your staff. Should you have any questions regarding the maps we have provided or what they do and do not depict, please feel free to contact me or your staff may contact Denis Borum in the Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy K. Stoner". The signature is written in a cursive style with a large, sweeping loop at the end.

Nancy K. Stoner
Deputy Assistant Administrator

Enclosure

cc: The Honorable Eddie Bernice Johnson
Ranking Member