



Proposed Federal Rulemaking: “Waters of the United States”

Committee on Federalism

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"Waters of the United States"

2025 Proposed Rule

Continuous surface connection means having surface water at least during the wet season and abutting (i.e., touching) a jurisdictional water.

Relatively permanent means standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.

NEW

2026 Proposed Rule

Continuous surface connection means perennial surface water in a wetland that is continuously connected with the surface water in the jurisdictional water such that it is difficult to determine where the jurisdictional water ends and the wetland begins. Temporary interruptions in the surface water connection may occur as the result of anomalous events such as drought or dry spell. A temporary interruption in the surface water connection lasting no more than a single period of up to 30 consecutive days in any given year may also occur as a result of non-anomalous events such as low tide or a regularly occurring dry spell.

Perennial means having standing or continuously flowing water every day of the year during ordinary conditions.



"Waters of the United States"

2025 Proposed Rule

Continuous surface connection means having surface water at least during the wet season and abutting (i.e., touching) a jurisdictional water.

Relatively permanent means standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.



NEW

2026 Proposed Rule

Relatively permanent means perennial bodies of water. A body of water does not lose its relatively permanent status if it dries up as a result of anomalous events such as drought or dry spell. A body of water also does not lose its relatively permanent status if it dries up for no more than a single period of up to 30 consecutive days in any given year as a result of non-anomalous events resulting in a temporary interruption such as low tide or a regularly occurring dry spell.

Perennial means having standing or continuously flowing water every day of the year during ordinary conditions.

