Texas Commission on Environmental Quality (TCEQ) Comments on *National Wetland Condition Assessment (NWCA) 2011 Draft Report*

Docket ID Number EPA–HQ–OW–2015–0667

**Comments on the Draft Report**

1. *General Comments and Overview.*

**A. The TCEQ requests to be added to the list of State Agency Partners, to reflect our level of participation in the study.**

The TCEQ invested staff and contracting resources in support of the NWCA. Due to the presence of coastal prairie and estuarine wetlands along the expansive Texas coastline, there was a significant level of effort to ensure that field work was properly coordinated and completed within the established time frame. Our efforts should be included with the other State Agency Partners who participated in the study.

1. *Comments on the approach for conducting the study and evaluating the data.*

**A. The report should be revised to include discussion on the potential impact resulting from use of a broader definition of the term “wetlands”, than the one provided in the Clean Water Act (CWA).**

The NWCA used a broader definition of “wetlands” than the regulatory definition in the Clean Water Act (CWA). The report should clarify how the different definitions of “wetlands” were considered in the study and provide discussion on the potential impacts, if any, on wetlands sampled and study results. This is particularly important, since one of EPA’s intended outcomes of the report is to “answer important policy and management questions about the overall health of this critical resource, and design effective strategies to fulfill the objectives of the CWA”. For example, did the broader definition allow for more wetlands of a particular class to be sampled as part of the study? Providing additional clarity in the report will facilitate appropriate use of the report’s key findings, and identify any constraints on the study’s conclusions.

**B. The data may not be a realistic representation of the condition of wetlands in the Coastal Plains due to extreme drought conditions experienced in Texas.**

The TCEQ requests that drought conditions be considered when evaluating wetlands against the reference sites. Due to drought, the extent of wetlands in poor condition may be overestimated. The data for the NWCA report were collected in 2011 during a severe multi-year drought in Texas. The effects of drought on soil chemistry data and biological observations may result in lower scores on the Floristic Quality Assessment Index (FQAI), used in evaluating biological wetland condition. As reported in the highlighted section on the Nebraska Intensification project, some of the areas with the lowest FQAI scores were “recently affected by a period of extreme drought.” Incorporating drought conditions into the reference condition would more thoroughly describe the natural variation in wetland ecosystems. It is also requested the report be revised to address this issue.

**C. The selection of reference sites and their descriptions needs additional detail included in the draft NWCA and technical reports.**

The quality of wetlands in the draft report were determined by comparing results to “least disturbed” reference sites selected from the population of targeted wetlands. While the technical report describes how the reference sites were selected (including using Best Professional Judgment), additional detail is needed to provide clarity and context. For example, the technical report cites that sample locations with a landscape screen score of 11 or less were selected from the targeted population to be considered as a reference site candidate. A rationale is needed to (1) describe why a score of 11 is appropriate to identify reference conditions and (2) how the other metrics were used to score and identify reference sites. The example of scoring in the technical report covered only a subset of the metrics used to score the reference sites, and should be expanded to describe all the metrics. Further, the draft and technical reports should clarify the locations and number of the selected reference sites. There seem to be discrepancies between Figures 4-2 and 4-9 in the technical report on the number of “hand-picked” sites selected as reference; these figures would benefit from reconciliation of the information presented in each. Providing the location description of the reference sites in a table may better describe the location of each site, and how they are representative of wetlands found across the country.

**D. Classification and reporting of wetlands, particularly the scale of estuarine wetlands, needs additional clarification.**

The NWCA report classifies quality of wetlands according to aggregated ecoregions, which “tend to have more similar natural characteristics to each other than with wetlands in other parts of the country”. Additionally, EPA targeted seven wetland types to survey and grouped them into four broader categories within each aggregated ecoregion: Estuarine Herbaceous, Estuarine Woody, Inland Herbaceous and Inland Woody. Results are reported at national and aggregated ecoregion scales only, however a summary of estuarine wetlands – surveyed across all ecoregions, is provided. Results for other surveyed wetland types are not provided in separate summaries for each wetland type, and the reported results provided in the summary for estuarine wetlands are not clear. A rationale describing the need and validity of reporting results for different wetland types, particularly estuarine wetlands, is needed to better understand the context of results for each wetland type and aggregated ecoregion. Additionally, Figure 2-2 of the report shows which sites are in each of the aggregated ecoregions, but additional detail is not provided to describe which sites were identified as estuarine wetlands sites. The EPA should provide a consistent reporting format of sites surveyed and results as allowed by the study design, to ensure the report conclusions are clearly provided for all categorical descriptors and are statistically valid.

*III. Comments on resources necessary to conduct the National Assessment of Rivers and Streams.*

**E. The resources required to conduct the NARS study are great and return minimal information useful for the assessment of individual waterbodies within the state.**

The TCEQ also has a concern in terms of the resources required to continue to conduct iterative national assessments of water quality for each major type of water body (streams, rivers, lakes, reservoirs, estuaries, and wetlands). These national assessments are conducted on a broad geographic scale on one or two sampling dates at random sampling sites. This sort of data is of limited use for each state’s assessment of standards attainment for individual water bodies, as specifically required by the federal Clean Water Act. We appreciate the impetus for improving the overall national assessment of water quality to track the effectiveness of water quality management efforts. However, we are also concerned with the required level of continuing national effort, often in the coordination with states, to achieve this focused goal.

The TCEQ is particularly concerned about the EPA’s requirement for states to independently conduct statewide evaluations based on probabilistic surveys, as a new addition to states’ biennial water quality assessments. There is little utility in having each state produce two different statewide summaries of water quality, and this effort is likely to create conflicting and confusing results. We are aware that the EPA is evaluating the appropriate course for future national probabilistic surveys. We urge the EPA to fully coordinate with state water quality programs regarding the evaluation of the information collected and subsequent conclusions, as well as the use of these surveys with the existing state’s assessments.