

THE BRAND NEW-FOR-2020 WATERS OF THE UNITED STATES RULE AND OTHER HOT ENVIRO LAND USE ISSUES

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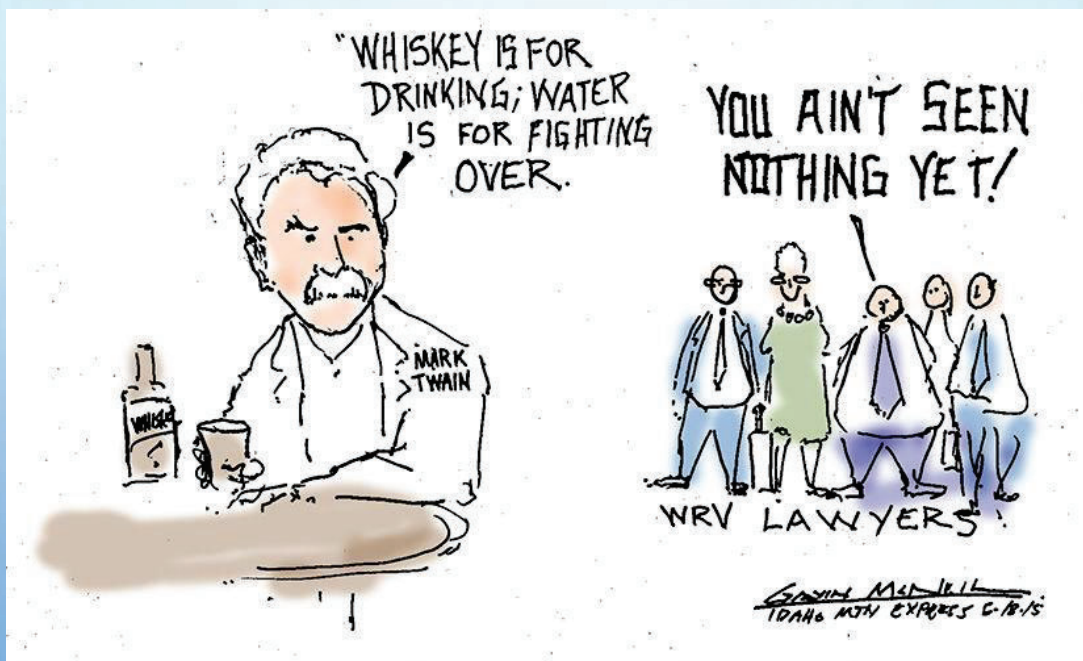
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• WHY THIS MATTERS

- MOST ONEROUS PENALTIES OF ALL U.S. ENVIRONMENTAL STATUTES
- IT DOESN'T CHANGE THAT OFTEN
- THE DEFINITION IS USED ACROSS SEVERAL STATUTES, AFFECTING MULTIPLE PERMIT SCHEMES
 - LAND DEVELOPERS
 - OIL AND GAS INDUSTRY
 - FARMERS AND RANCHERS
 - CITIES WITH MS4 PERMITS'
 - UTILITIES OF ALL SIZES

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• BOTTOM LINE OF THE 2020 RULE

- FINAL RULE PUBLISHED: APRIL 21, 2020 (85 FED.REG. 22250)
- EFFECTIVE DATE: JUNE 22, 2020

• ITS PROJECTED EFFECT

- THIS DATA DOES NOT EXIST, NOR DO PREDICTIVE MODELS
- STREAMS: 18% LESS
- WETLANDS: 51% LESS
- THESE ARE AVERAGE NUMBERS; EVERY WATERSHED IS DIFFERENT

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- BRIEF HISTORY (FOOTNOTE 1)
 - N/K/A CLEAN WATER ACT (1977), 33 USC CHAPTER 26, SECTION 1251 ET SEQ
 - APPLIES TO “NAVIGABLE WATERS, INCLUDING THE TERRITORIAL SEAS”
 - DEFINES “NAVIGABLE WATERS” AS “WATERS OF THE UNITED STATES”
- LET’S LOOK BACK ON ITS ORIGINAL CONTEXT “IN THE FIELD”

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Ogden, UT
5 acre pond
dump site 1972
Source: EPA



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Title search: The Brand New-For-2020 Waters of the US Rule

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First appeared as part of the conference materials for the
24th Annual Land Use Conference session

"Environmental Issues Impacting Land Use and Development in 2020"