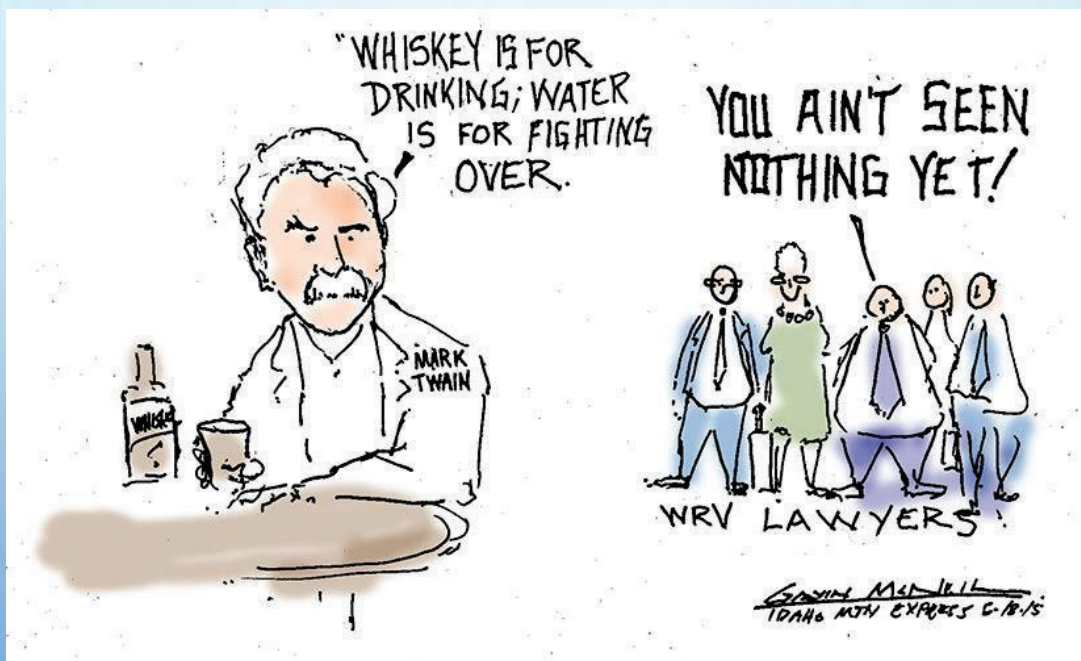


# THE BRAND NEW-FOR-2020 WATERS OF THE UNITED STATES RULE AND OTHER HOT ENVIRO LAND USE ISSUES

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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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# WOTUS 2020



## • 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

Also available as part of the eCourse

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

"Environmental Issues Impacting Land Use and Development in 2020"