

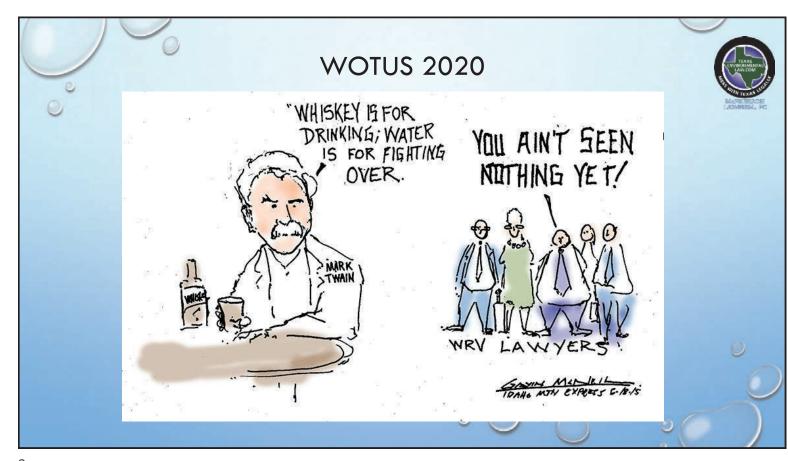
AND OTHER HOT ENVIRO LAND USE ISSUES

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ZOOMIN' FROM DALLAS

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## **WOTUS 2020**



- 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

2

## **WOTUS 2020**

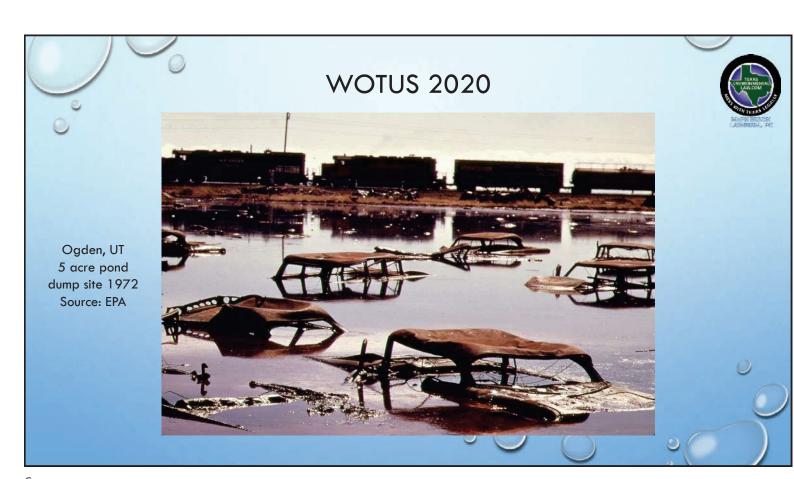


- BOTTOM LINE OF THE 2020 RULE
  - FINAL RULE PUBLISHED: APRIL 21, 2020 (85 FED.REG. 22250)
  - EFFECTIVE DATE: JUNE 22, 2020
- ITS PROJECTED EFFECT
  - THIS DATA DOES NOT EXIST, NOR DO PREDICTIVE MODELS
  - STREAMS: 18% LESS
  - WETLANDS: 51% LESS
  - THESE ARE AVERAGE NUMBERS; EVERY WATERSHED IS DIFFERENT

## **WOTUS 2020**

- 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"

5







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

Also available as part of the eCourse 2020 Land Use eConference

First appeared as part of the conference materials for the  $24^{\rm th}$  Annual Land Use Conference session "Environmental Issues Impacting Land Use and Development in 2020"