Agricultural Impacts

• The rule increased the number of water types that would be subject to permitting.

• Many areas designated as a “water” that are under the rule are dry most (if not all) of the year.
“Forty-four segments of ephemeral streams were identified in the project area. All of these segments are classified as non-relatively permanent waters (non-RPW) and include 21 single and complete crossings. Water flowing in these ephemeral streams eventually flow into the Rio Grande River, 13 miles west of the project area. All of these features were assumed to be under the jurisdiction of the U.S. Army Corps of Engineers. Figure 18 shows representative photos of the drainages in the project area.”
Pesticide Application Impacts

- Pesticide labeling, application, and effectiveness (aquatic vs. dryland will be different, and not hydrologically appropriate)
- The rule only takes into account the agricultural sectors that qualify for the agricultural exemption
- Noxious weeds and public health issues (vector and algae control)
Regulatory Impacts

• FIFRA & CWA – Double impact
• Reactionary vs. proactive approach to compliance
• Trend toward eroding primacy in State’s ability to regulate (ex. Certification and Training for pesticide applicators)
Economic Impacts

- Jurisdictional determinations will be lengthy processes, costing producers time and money from delays – especially affecting small operations.

- States will have to monitor waters deemed jurisdictional, costing states money and time without any funding.

- Expanded jurisdiction will result in more significant reporting responsibilities, costing individuals time and money.

- Agricultural operations could be subject to citizen lawsuits, resulting in legal costs.