

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.

Dripping Springs Road and Baylor Canyon Road Improvement Project Environmental Assessment – BLM & FHWA, April 2015

Figure 18. Representative Drainages in Project Area



“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.