



United States Department of Agriculture

---

Natural Resources Conservation Service

# Clean Water Act Proposed Rule

State Technical Advisory  
Committee

April 17, 2014





## Natural Resources Conservation Service

The proposed rule seeks to clarify protection under the Clean Water Act for streams and wetlands after Supreme Court rulings in 2001 and 2006. For detailed information, please go to the following web page.

[www.epa.gov/uswaters](http://www.epa.gov/uswaters)





## Natural Resources Conservation Service

Specifically, the proposed rule clarifies that under the Clean Water Act and based on the draft report:

- Most seasonal and rain-dependent streams are protected.
- Wetlands near rivers and streams are protected.
- Other types of waters may have more uncertain connections with downstream water and protection will be evaluated through a case specific analysis of whether the connection is or is not significant. However, to provide more certainty, the proposal requests comment on options protecting similarly situated waters in certain geographic areas or adding to the categories of waters protected without case specific analysis.





## Natural Resources Conservation Service

# Current Status

- Three relevant items
  1. The draft scientific assessment (Connectivity of Streams and Wetlands to Downstream Waters) is undergoing review by EPA's Independent Science Advisory Board.
  2. The proposed rule is to be posted on the Federal Register any day and will be open for public comment for 90 days.
  3. March 2014 Interpretive Rule recognizes 56 specific NRCS practices are exempt from CWA permitting requirements.





## Natural Resources Conservation Service

# Exemptions

- Normal farming, silviculture, and ranching practices.
- Upland soil and water conservation practices.
- Prior converted cropland.
- 56 Conservation Practices





Natural Resources Conservation Service

# Why not include all NRCS Standards?

Three criteria were used:

1. Practice could be applied in waters of U.S. (not only upland),
2. A stated purpose of the practice is to protect water quality,





Natural Resources Conservation Service

# Why not include all NRCS Standards?

and

3. The conservation practice would not generally result in change of use, and impairment of the flow or circulation or reduction in the reach of waters of the U.S.





Natural Resources Conservation Service

# A producer can install practice with/without NRCS assistance

If EPA or USACE gets a whistle-blower call, NRCS may provide technical assistance to the agencies regarding the practice standard, specification, and other technical details regarding the proper implementation of the listed IR conservation practice (MOU dated 3/25).





# *Questions ?*

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

