



*Keeping America's Waters
Clean and Safe*



US Army Corps
of Engineers.

Agriculture Exemptions Remain

The proposed guidance from EPA and the Army Corps of Engineers does not change the exemptions for farming under the Clean Water Act and current regulations.

EPA and the Corps have worked with the U.S. Department of Agriculture to ensure that concerns raised by farmers and the agricultural industry have been addressed in the proposed guidance.

There are no changes to the existing agriculture exemptions.

These exemptions continue to apply to:

- Agricultural stormwater discharges and return flows from irrigated agriculture.
- Normal, ongoing agricultural, silvicultural and ranching activities.
- Normal activities related to construction and maintenance of irrigation ditches, and maintenance of drainage ditches.
- Normal activities associated with construction or maintenance of farm, forest, and temporary mining roads.

In addition, the proposed guidance does not impact the following waterbodies, which often are associated with agricultural activities:

- Non-tidal drainage and irrigation ditches not connected to a jurisdictional water.
- Artificially irrigated areas that would revert to upland if irrigation stops.
- Artificial lakes or ponds used purposes such as stock watering.
- Artificial ornamental waters created for primarily aesthetic reasons.
- Water-filled depressions created as a result of construction activity.

This guidance does not address the regulatory exclusions from coverage under the CWA for waste treatment systems and prior converted cropland, or practices for identifying waste treatment systems and prior converted cropland.

The proposed guidance clarifies protection for streams that flow long distances before reaching traditionally navigable waters, small streams, streams that flow for only part of the year, and many wetlands and ponds that cumulatively affect the health of the nation's navigable waters. These are the waters that help retain floodwaters that might otherwise flood valuable cropland and that help ensure a safe supply of water for drinking, irrigation, and livestock watering.

Farmers benefit when healthy wetlands and streams are able to trap and store floodwaters so that fields and crops are not damaged or destroyed during floods. Farmers and ranchers depend on clean water for stock watering to help ensure healthy livestock and irrigation to help ensure a safe food supply — in fact, 31 percent of all surface freshwater withdrawals in the U.S. are for irrigation. In addition, farmers benefit when drinking water is clean and safe to drink, without need for expensive treatment.

Working Together to Protect Waters of the US

The Clean Water Act is one of the Nation's most effective environmental laws, calling for the federal government, states and tribes to work together to achieve its goals. Since its enactment in 1972, the condition of rivers, lakes, streams, wetlands, and coastal waters across the country has dramatically improved. In addition, by protecting the health of the Nation's aquatic ecosystems, federal, state and tribal efforts have helped assure that water is safe to drink and that fish and shellfish are safe to eat. While states and tribes may chose to be more environmentally protective than the Clean Water Act requires, the Act establishes an important baseline of water quality for all Americans.

What are Waters of the United States?

“Waters of the U.S.” are those waters protected by the federal Clean Water Act, as interpreted by government regulations and the U.S. Supreme Court. Waters of the U.S. include waters that are traditionally navigable, the territorial seas, waters that are located on or serve as state boundaries, and tributaries, adjacent wetlands, and other waters with a “significant nexus” to traditionally navigable or interstate waters. Waters of the U.S. also include tributaries that are relatively permanent (including seasonal) and wetlands that have a continuous connection to those tributaries. Because water moves in hydrologic cycles, all of the environmental and economic benefits that these aquatic ecosystems provide are at risk if some elements are protected and others are not.