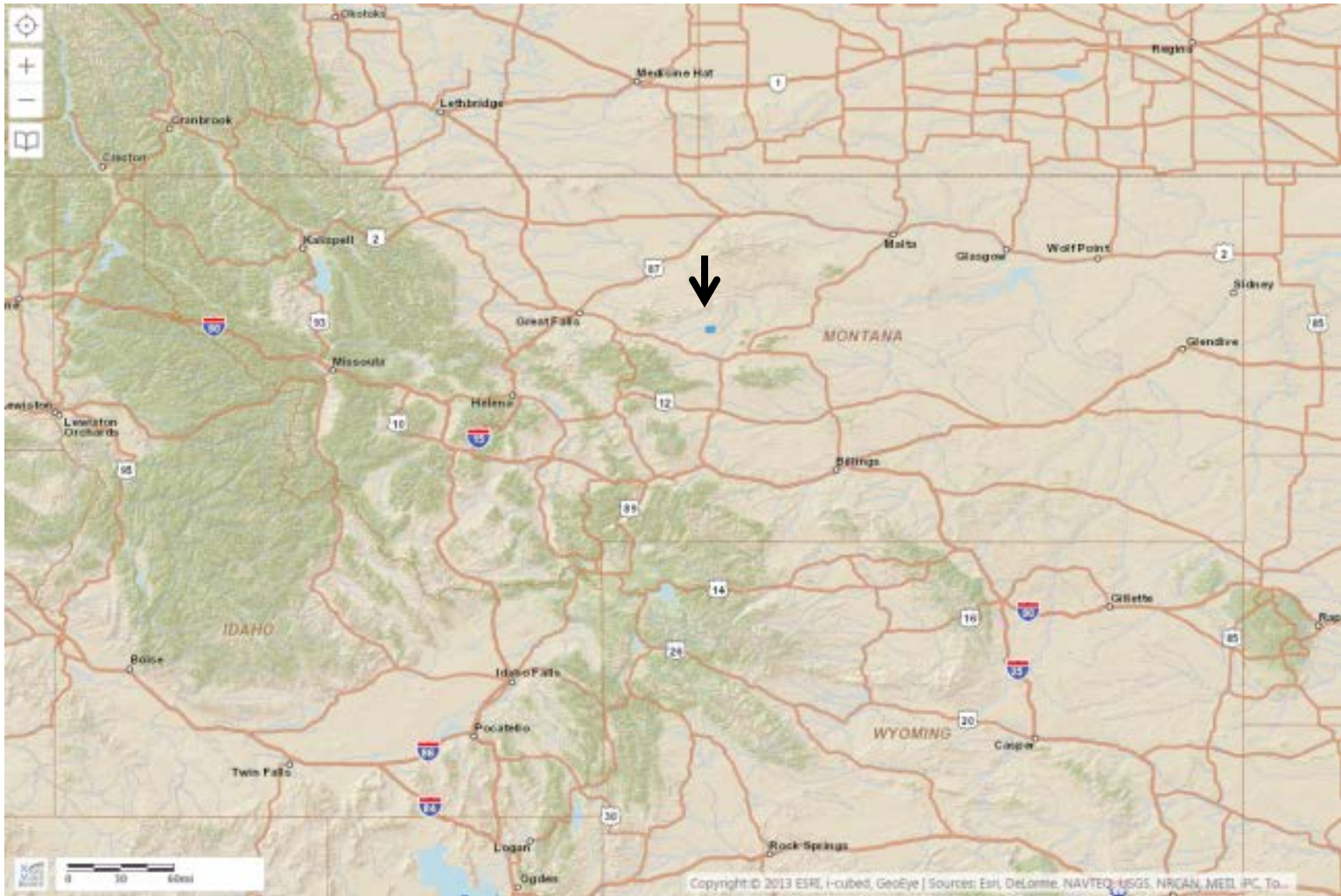
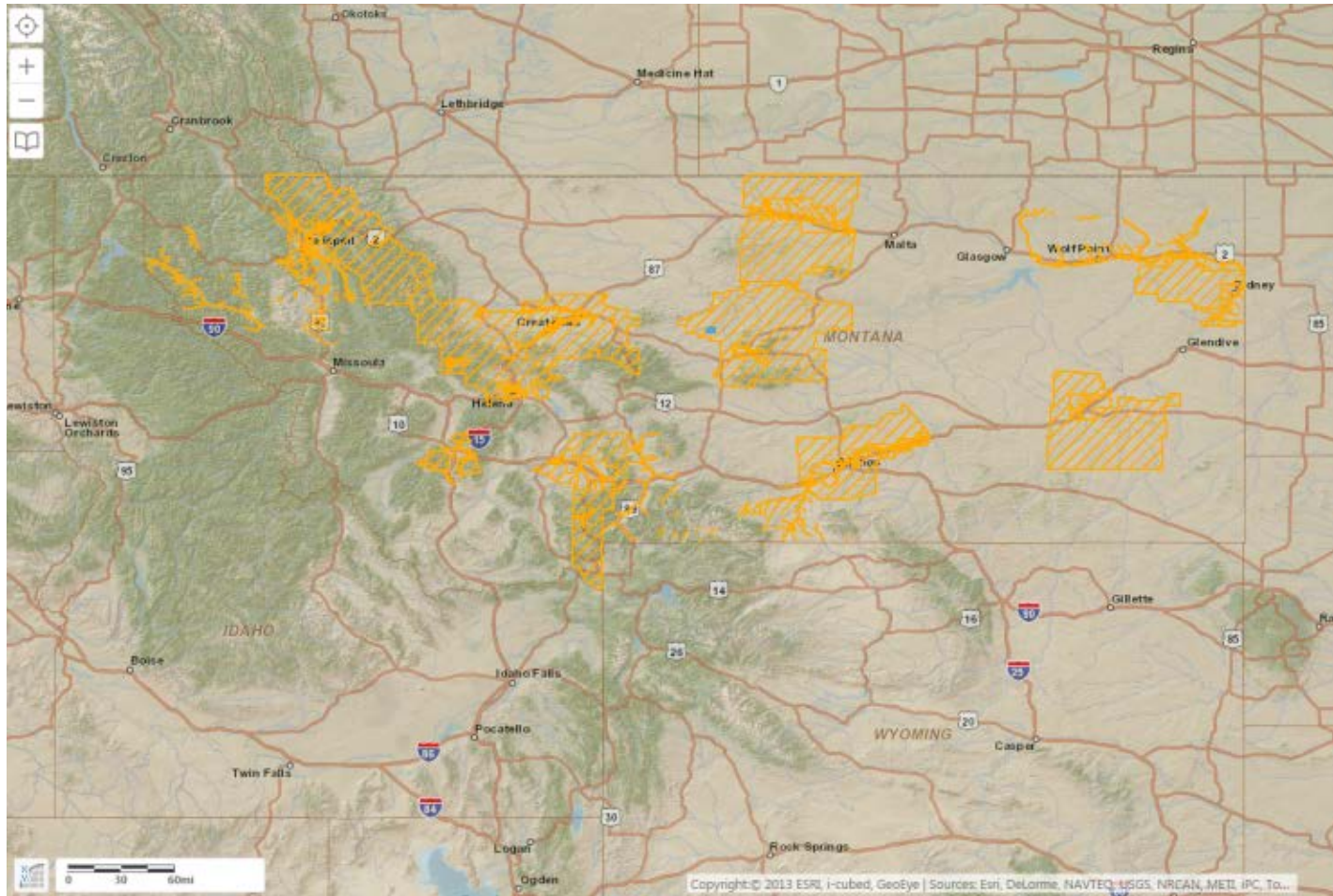


# “Waters of the U.S.” in Montana Farmland

Maps by Geosyntec  
Analysis by American Farm Bureau Federation

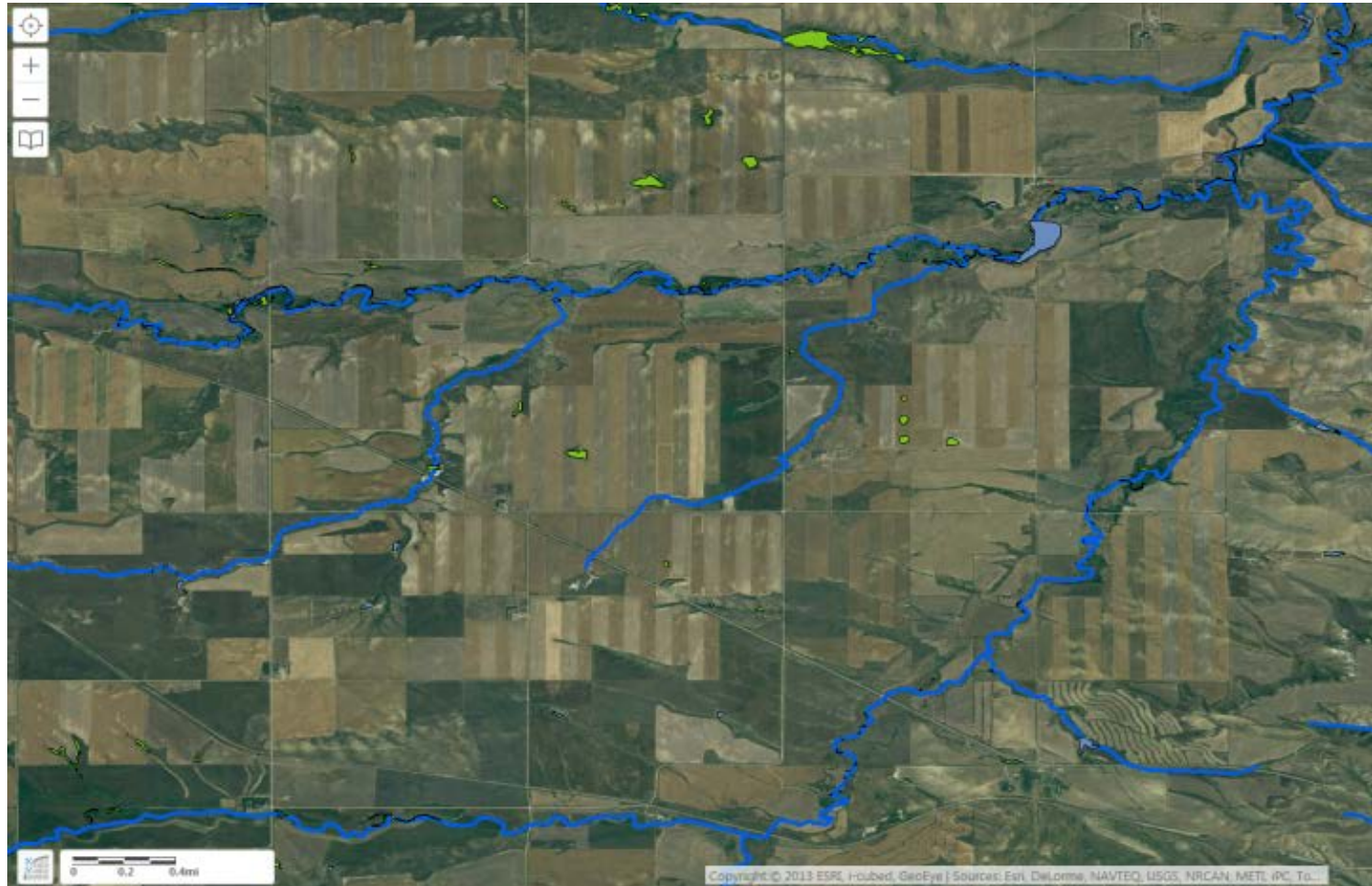


Area of focus is near Denton, Montana in Fergus County.



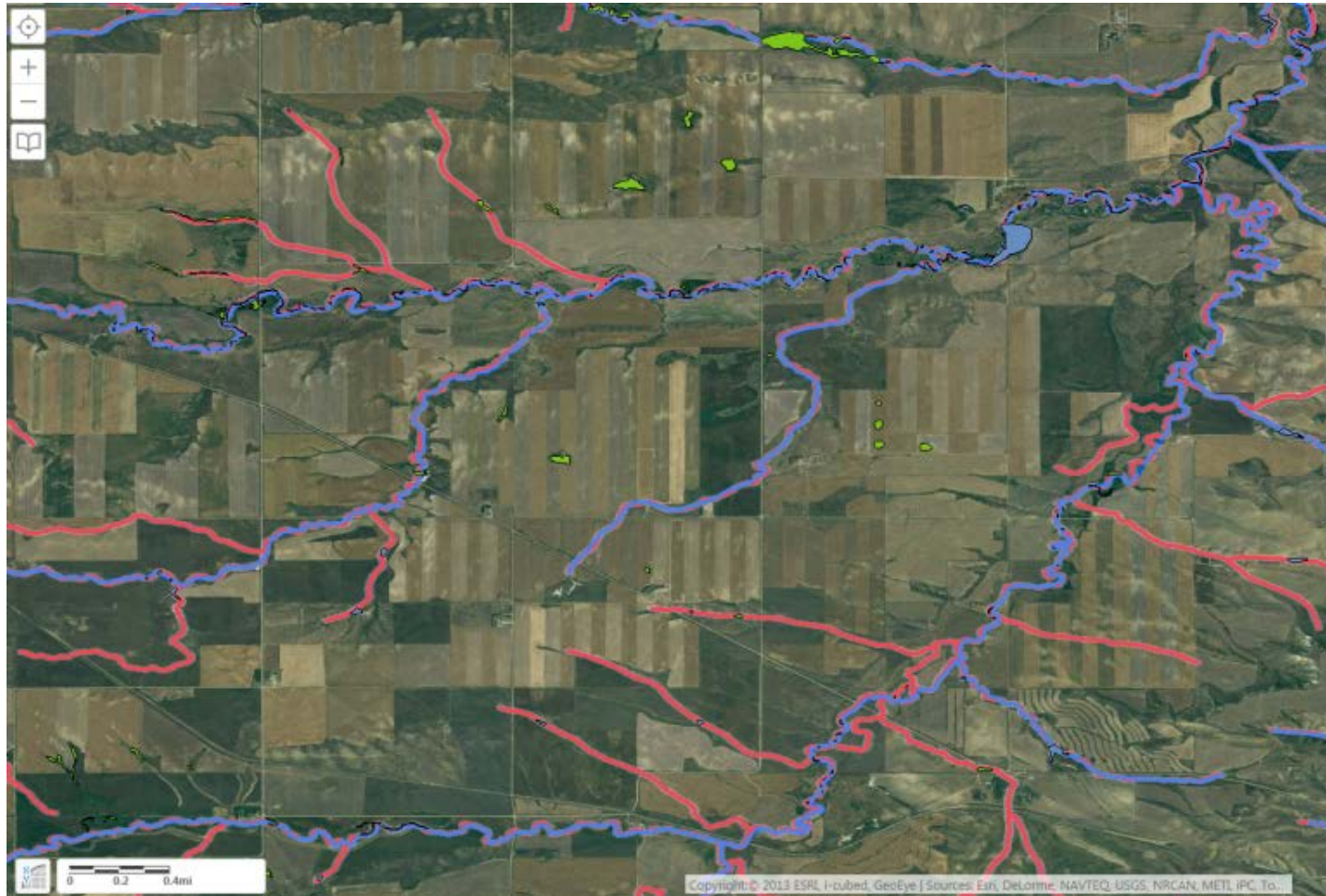
Large, 100-year floodplains, shown in hash marks, are common throughout the state.





### **Previous rules/guidance – Tributaries and Adjacent Wetlands**

Absent case-specific “significant nexus” finding, only perennial and intermittent tributaries (blue lines) and adjacent wetlands (green shapes) deemed jurisdictional.  
(Note: light blue shapes designate freshwater ponds.)



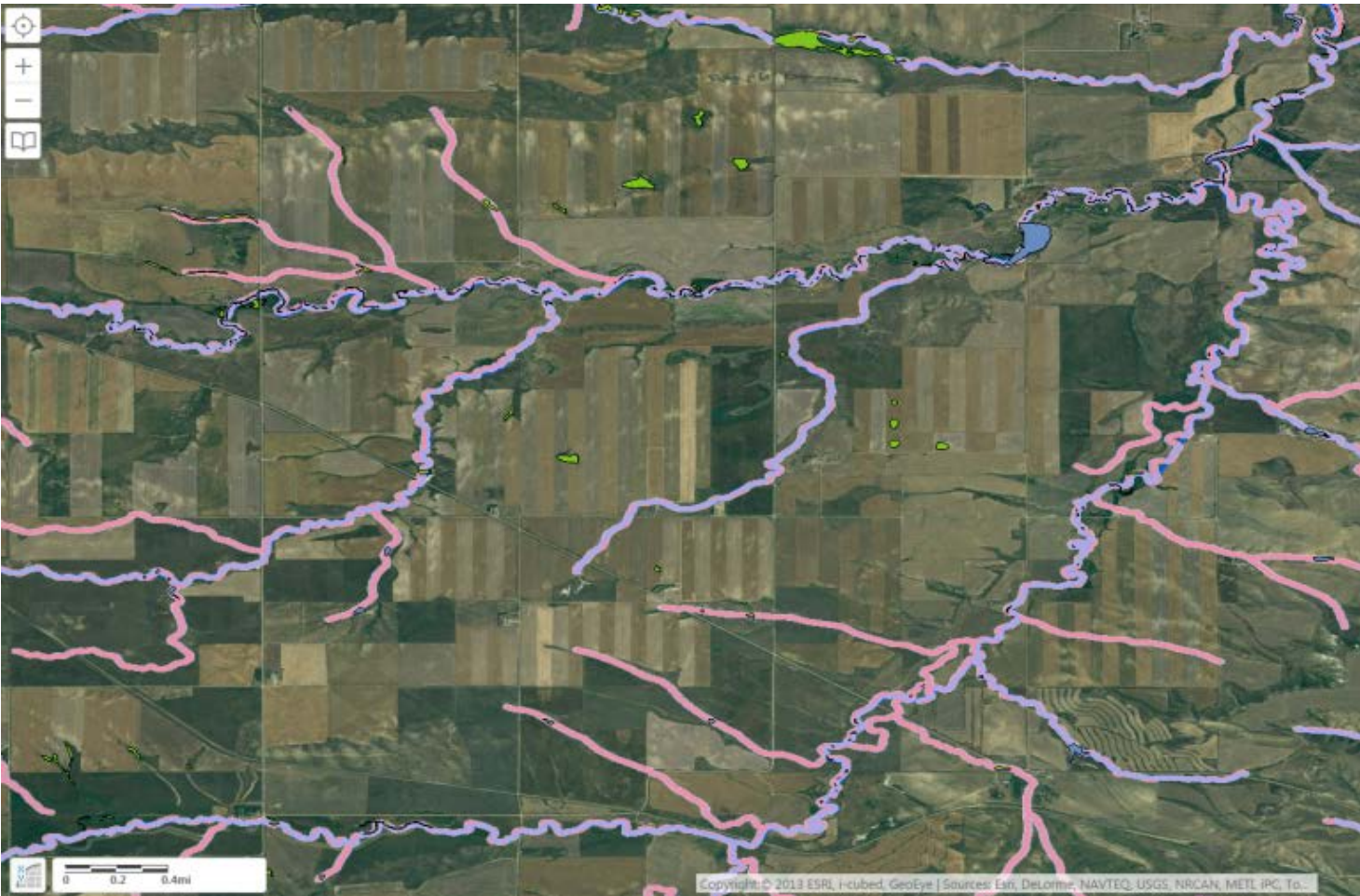
### **New WOTUS Rule – More Automatically Regulated “Tributaries”**

Ephemeral tributaries (red lines) deemed jurisdictional without further analysis.

Ditches also regulated if “excavated in” or “relocated” a tributary.

Note: This map does not show jurisdictional ditches and may not include all ephemeral tributaries.

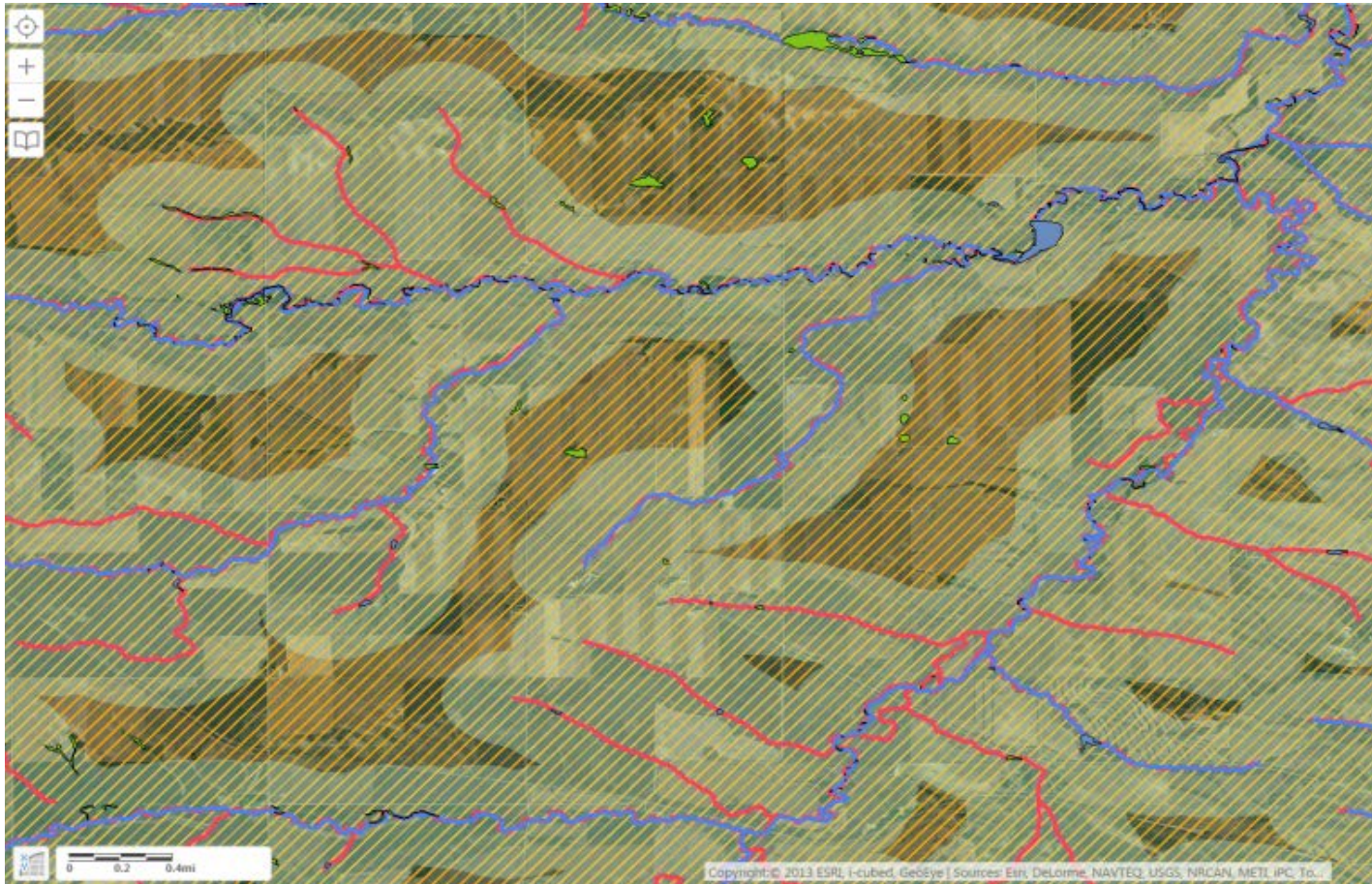




### **New WOTUS Rule – Automatically Regulated Adjacent Waters**

Includes all “waters”—including wetlands—that lie even partially within a 100-foot buffer (pink shading) around all perennial, intermittent and ephemeral streams.



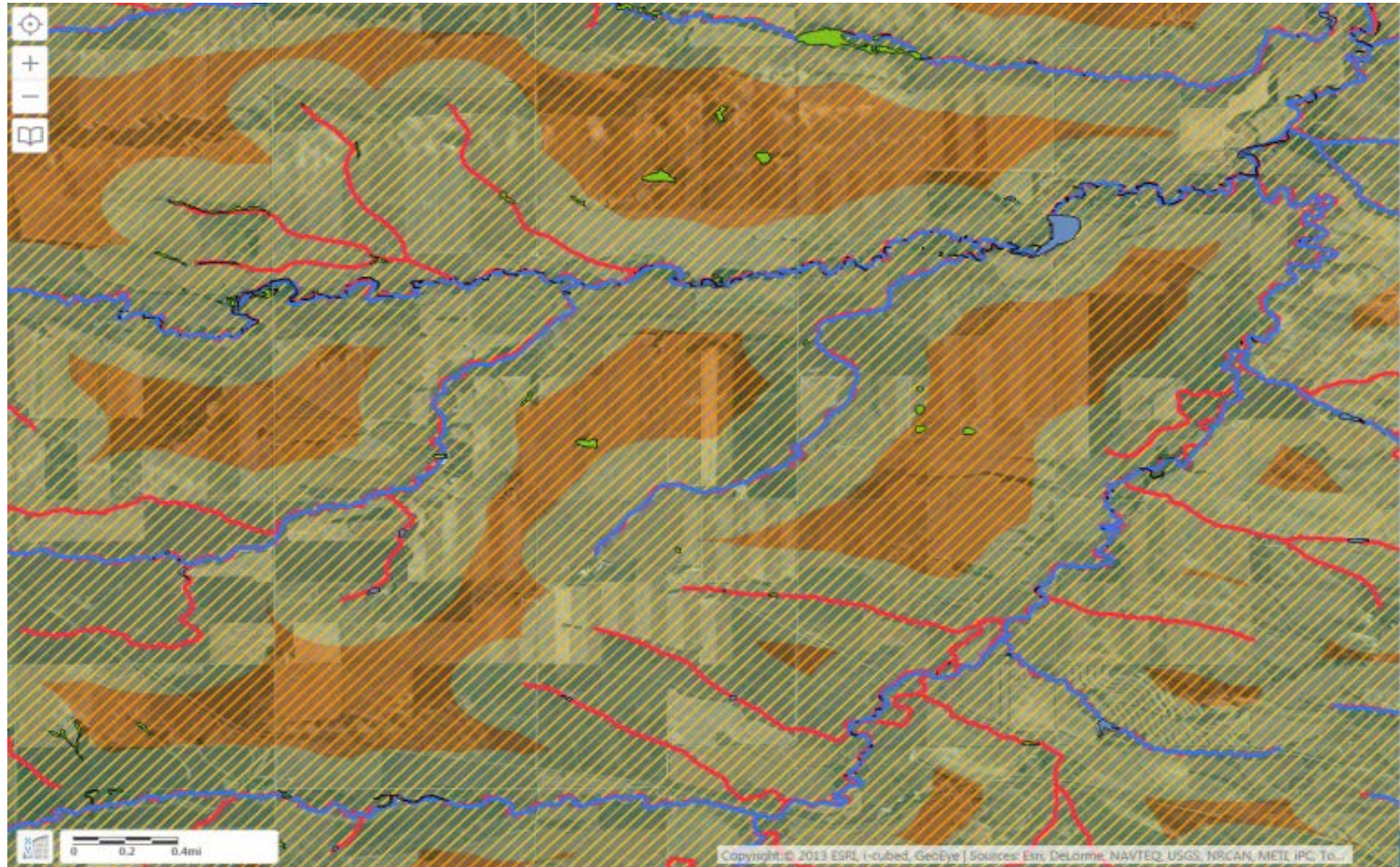


### **New WOTUS Rule – More Automatically Regulated Adjacent Waters**

Includes all “waters”—including wetlands—where any part is within the 100-year floodplain and not more than 1,500 feet from a tributary. Light green shading shows the 1,500-foot zone and hash marks show the known FEMA Flood Zone maps (which may be out-of-date or may not be relied upon by the Corps).

**In this area, given the wide 100-year flood zone, any water even partially within the light green shading is an “adjacent water.”**





### **New WOTUS Rule – Maybe Regulated “Significant Nexus” Waters**

Water/wetlands even partially within 4,000 feet (about  $\frac{3}{4}$  mile) of a tributary can be regulated on a “significant nexus” finding. Orange shading shows land outside the adjacency zone but within the 4,000 feet zone.

**Even without mapping around jurisdictional ditches, the area of possible regulation covers the entire map.**



# State-Wide “Waters of the U.S.” Zones

<b>Montana</b>	<b>Acres</b>	<b>Share of Total Acres</b>
Total Acres in State	94,234,434	
Acres w/i 100-ft buffer (adjacent)	9,523,961	10%
Acres w/i 1,500-ft buffer (possibly adjacent)	81,038,377	86%
Acres w/i 4,000-ft buffer (subject to “significant nexus” finding)	92,931,227	99%