

THE CLEAN WATER RULE

Guaranteed Protections



1)



Traditionally navigable waters

Things appropriate for commercial navigation, but that can include commercial recreational navigation.

2)



Interstate waters

Exactly what you'd think – anything that crosses state lines.

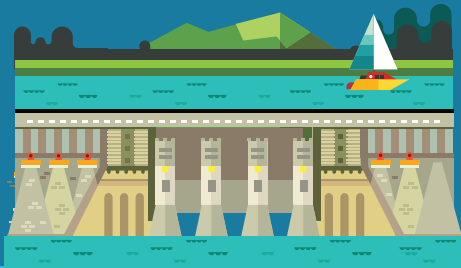
3)



The Territorial Seas

Coastal waters out to 3 miles.

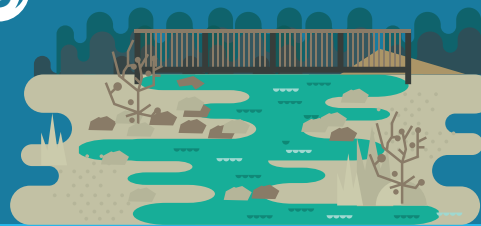
4)



Impoundments of waters that are otherwise covered:

Things like reservoirs behind dams of protected waters.

5)



Tributaries to traditional navigable waters, interstate waters and territorial seas

Contributes flow downstream to these waters and has indications of regular flow, namely bed and banks and ordinary high water mark.

6)



Waters adjacent to categories 1-5.

Adjacent means a water body is:

Within 100 feet of the ordinary high water mark of any of above waters;

Within the floodplain of any of the above waters, but not beyond 1,500 feet if the floodplain extends more than 1,500 feet; or

Within 1,500 feet of the high tide line of a traditionally navigable water or the territorial seas, or the ordinary high water mark of the Great Lakes.



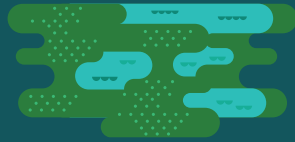
THE CLEAN WATER RULE

Potential Protections & Excluded Features



Potential Protections

Regionally prevalent waters when they are shown, on a watershed basis, to have a significant effect on the physical, chemical, or biological condition of a downstream traditionally navigable water, interstate water, or the territorial seas.



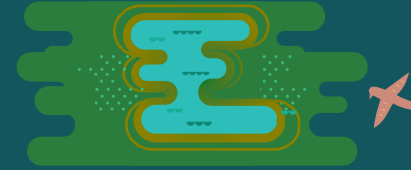
Prairie Potholes



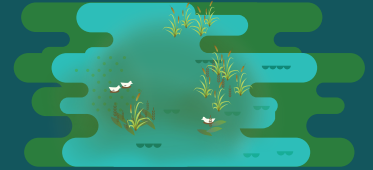
Carolina & Delmarva Bays



Pocosins



Western Vernal Pools



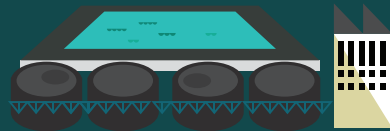
Texas Coastal Prairie Wetlands

Other kinds of regional waters, but only when they can be shown to be similar in function and landscape position and within:

1 the 100-year floodplain of a downstream traditionally navigable water, interstate water, or the territorial seas; or

2 4,000 feet of the high tide line or ordinary high water of a downstream traditionally navigable water, interstate water, the territorial seas, a covered impoundment, or a covered tributary.

Excluded Features



Waste treatment systems



Ditches that are not tributaries

Seasonally-flowing ditches that aren't relocated tributaries or dug in natural tributaries, and don't drain wetlands; and ditches that flow only in response to rain that aren't relocated tributaries or dug in natural tributaries.

Other features not protected include:

1 Gullies, rills and other ephemeral features that are not tributaries, as well as non-wetland swales and lawfully-constructed grassed waterways.

2 Puddles

3 Groundwater

4 Wastewater recycling structures in dry land



Artificial lakes or ponds constructed in dry land

Including small ornamental waters created in dry land and water-filled depressions in dry land incidental to construction or mining activity, including gravel pits.



Stormwater systems

Stormwater control features constructed in dry land that convey, treat or store stormwater.



Artificially irrigated areas

Areas that would revert to dry land without irrigation

