

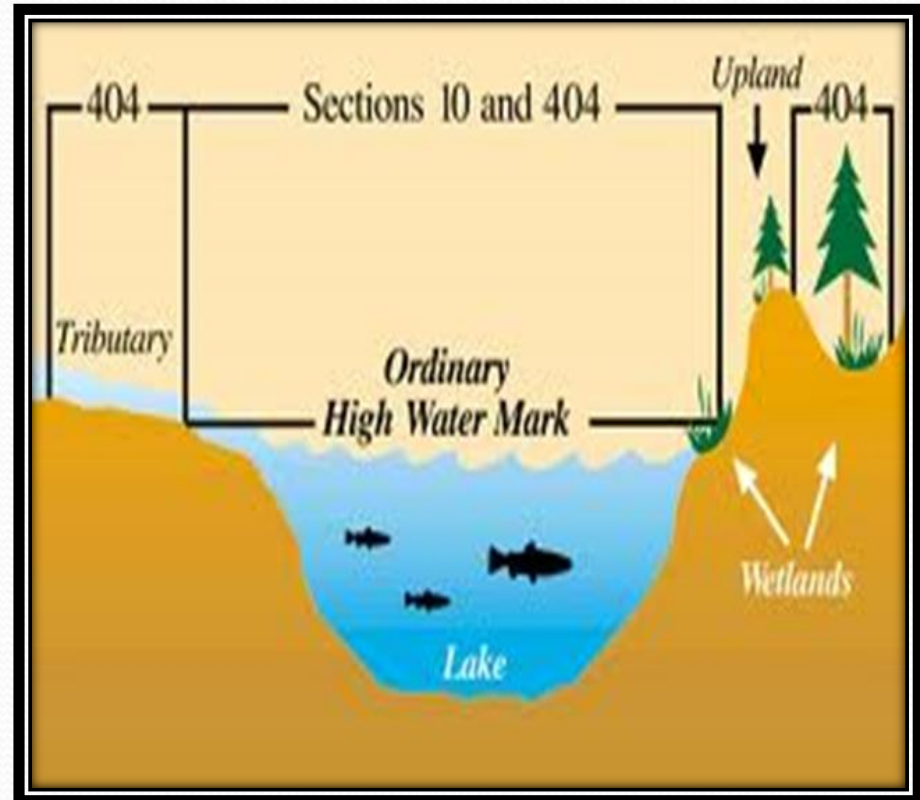
Surface Waters

- “*Surface Waters*” include waters having well-defined **stream bed** and **stream bank** either constantly or intermittently flowing; lakes and impounded waters; marshes and wetlands.
- **Stream bed** is the channel bottom of a stream.
- **Stream bank** refers to the land alongside the stream.



Regulated Activities

- State level authorization is required for dredge or fill activities or other operations below the Ordinary High Water Mark (OHWM) of a jurisdictional stream or wetland.



Waters of the United States

- Jurisdictional limits of the authority of the Corps of Engineers under the Clean Water Act.
- Defined in 40 CFR Part 328.
- Jurisdiction is required for permitting Section 404 of the CWA for dredge and fill.



Regulated Streams

- *USACE regulates ephemeral, intermittent, and perennial stream impacts below the OHWM.*
- *KY regulates intermittent, and perennial stream impacts below the OHWM.*
- **“Blue line” determinations are not acceptable for jurisdiction.**

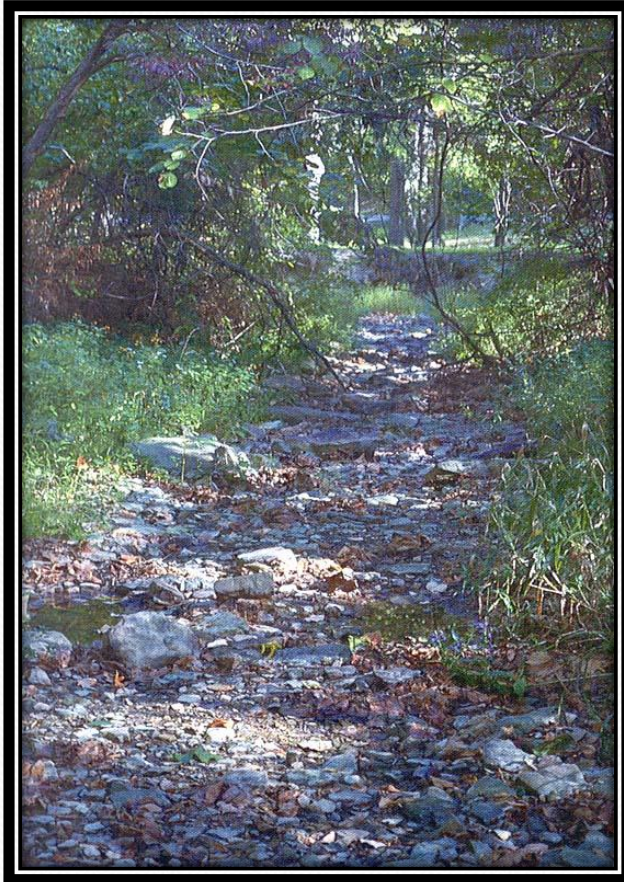
Perennial Streams

Defined Bed and Bank and continuous flow



Intermittent Streams

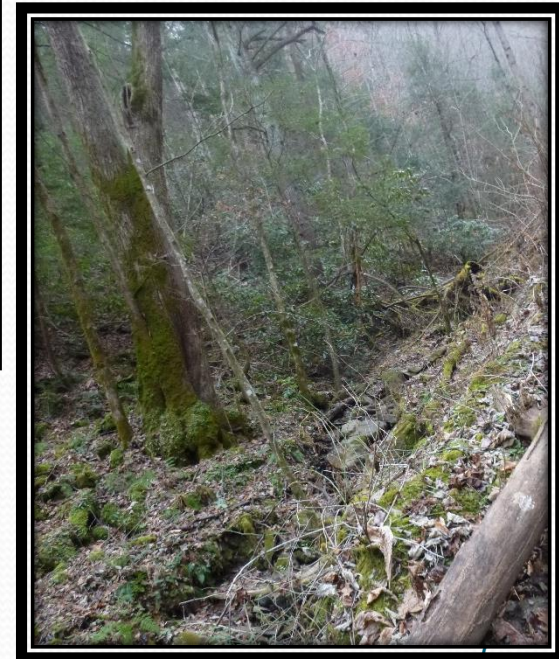
Defined Bed and Bank, seasonal flow and connection to groundwater.



Ephemeral Streams

Defined Bed and bank with flow dependent on rainfall.

“Ditches” can be considered a jurisdictional stream.



United States Geological Survey (USGS)

USGS designations:

- “Blue line” streams are designated as perennial
- “Dashed line” streams are designated as Perennial streams
- USGS does not map jurisdictional stream.
- “Blue line” streams are **not** acceptable for jurisdiction.

