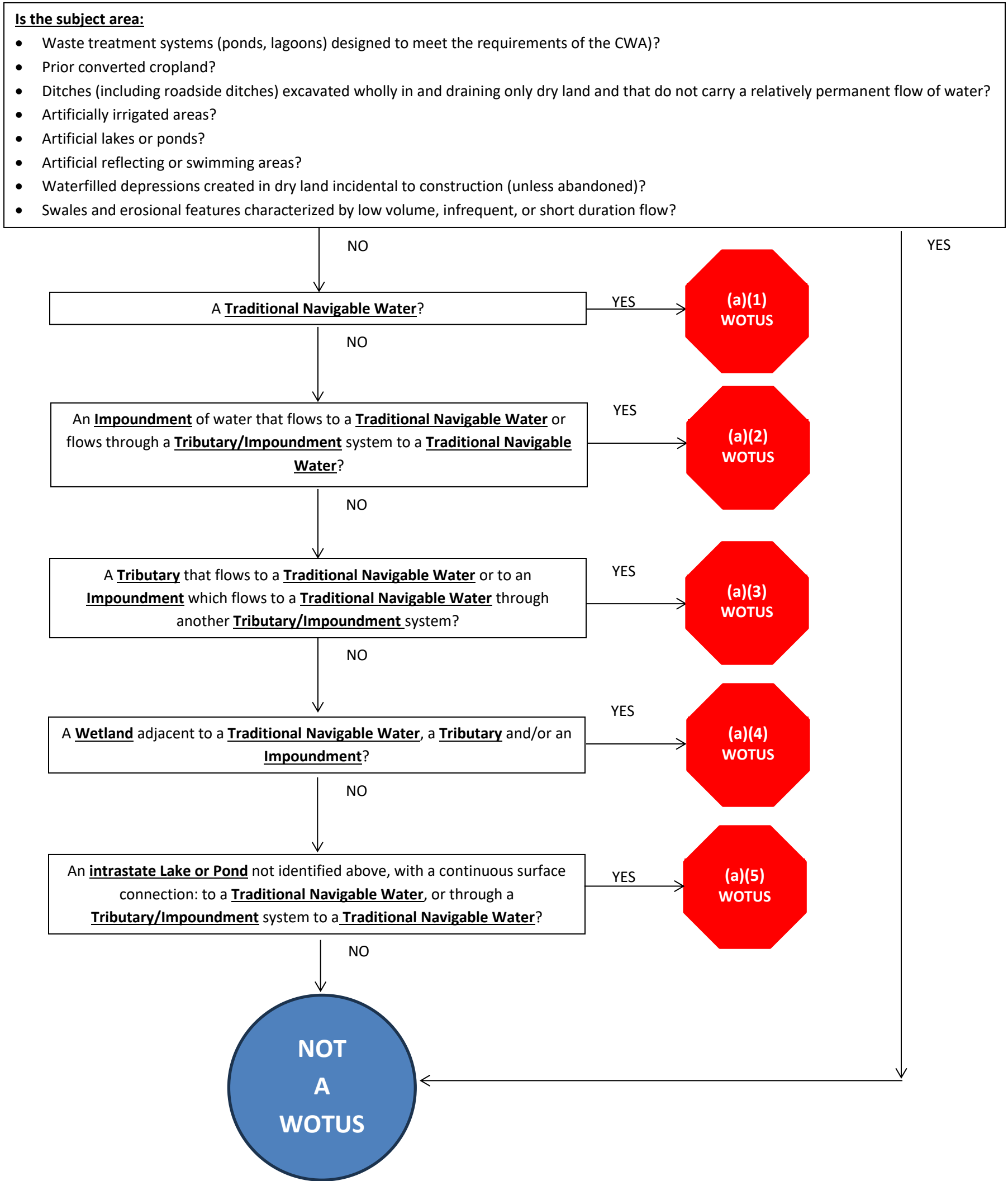


# WATERS OF THE UNITED STATES FLOW CHART ([33 CFR PART 328](#))

January 29, 2024



## Definitions

**Waters:** Includes “only those relatively permanent, standing or continuously flowing bodies of water ‘forming geographic[al] features’ that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes.’” ([Sackett ex ux. V EPA, et. al. Certiorari to the US Court of Appeals for the Ninth Circuit, No. 21-454](#), p. 14).

**Wetlands (a)(4):** A technical term meaning “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”

**Traditional Navigable Waters (a)(1):** Waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; the territorial seas; or interstate waters.

**Impoundments (a)(2):** Waters that are distinguishable from natural lakes and ponds because they are created by discrete structures (often human-built) like dams or levees that typically have the effect of raising the water surface elevation, creating, or expanding the area of open water, or both. Impoundments can be natural (like beaver ponds) or artificial (like reservoirs).

**Tributary (a)(3):** Waters feeding a Traditional Navigable Water or Impoundment.

**Adjacent:** Means having a continuous surface connection. ([33 CFR 328.3\(c\)\(2\)](#)).

**Intrastate Lake or Pond (a)(5):** A lake or pond that it is not a Traditional Navigable Water, an Impoundment, a Tributary, or a Wetland, but which has a continuous surface connection to these waters.