# PROTECTING KENTUCKY WATERS

WHAT THE SUPPLEMENTAL PROPOSED FEDERAL RULE MEANS FOR OUR COMMONWEALTH

TEAM KENTUCKY
ENERGY AND ENVIRONMENT CABINET

*October 2026 Rev.1.0*

## Consequences of Senate Bill 89

*During the 2025 Kentucky general assembly, Senate Bill 89 gave the federal government authority to define what KY waterways can be regulated, using definitions from Waters of the US (WOTUS). A state water definition that is closely tied to an ever-changing federal definition means the Commonwealth of Kentucky ceded power to control our waters over to the federal government.*




*Infographic shows what is regulated under SB 89 currently, versus what would be regulated under new Supplemental WOTUS definitions.*

## Eliminating Protection for Seasonal Streams and Wetlands Will Impact...



### Flood Protection:

Loss of natural areas that help absorb and store water for our flood prone communities



### Drinking Water:

Potential increased costs to treat drinking water sources across the Commonwealth



### Hunting & Fishing:

Impacts to bird and waterfowl habitat could limit hunting and fishing opportunities



### Recreation & Tourism:

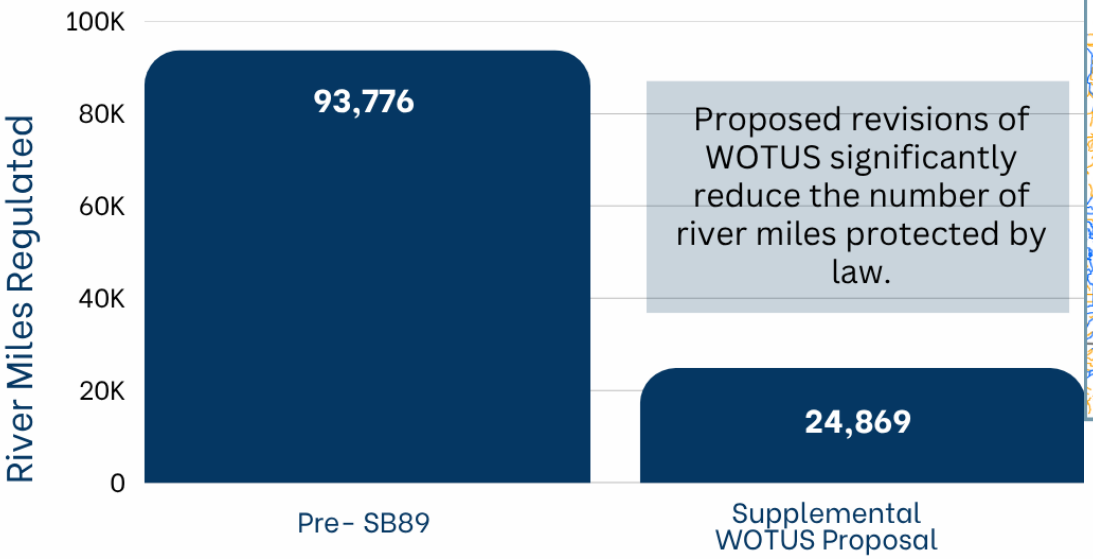
Reduced protection could degrade lakes and rivers used for recreation, leading to fewer outdoor opportunities and lost tourism revenue

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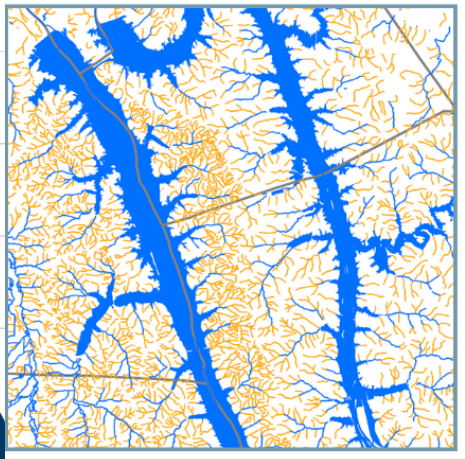
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## By the Numbers




Proposed revisions of WOTUS significantly reduce the number of river miles protected by law.



*Continuously flowing waters are shown in blue. Orange indicates the seasonally flowing waterways that would lose protections.*

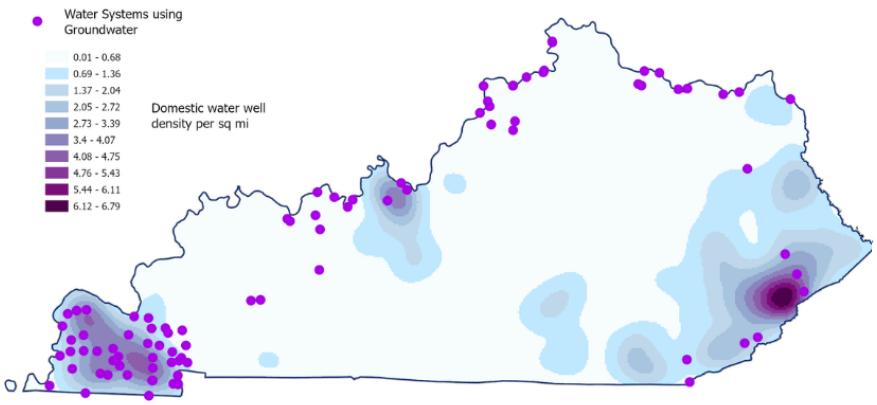
**LESS THAN 1%** of KY's Wetlands meet the permanently flooded definition.

**Proposed Federal WOTUS Definition for Wetlands:**

- **PERMANENTLY FLOODED**
- **CONTINUOUS SURFACE CONNECTION**

**1 Acre Wetland = 1.5 Million Gallons Floodwater Stored**

**The wetlands at risk currently store over 481 billion gallons of water - that is the same volume as Barren River Lake and Green River Lake combined.**




*Density of private domestic wells. Darker areas indicate higher density of people dependent on private wells. Purple dots indicate public water systems that depend on groundwater sources.*

**Wetlands and streams are natural filters that protect groundwater.**

**>760,000 Kentuckians Depend on Groundwater from 127 Public Water Systems**

**In addition, private domestic wells are not protected by Kentucky law.**

**See if this impacts your backyard stream**