

# PROTECTING KENTUCKY WATERS

WHAT THE NEW PROPOSED FEDERAL RULE MEANS FOR OUR COMMONWEALTH

January 2026 Rev.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.

### Post SB 89 Authority

- Seasonal Streams
- Continuously Flowing Streams
- Traditional Navigable Waters

Ephemeral Streams Lose Protection

### Proposed WOTUS Rule

#### Option 1:

- Continuously Flowing Streams

**74%**

of KY's Stream Miles Lose Protection

#### Option 2:

- Traditional Navigable Waters

**86%**

of KY's Stream Miles Lose Protection

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



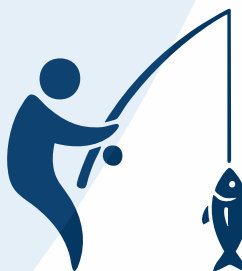
### Flood Protection:

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

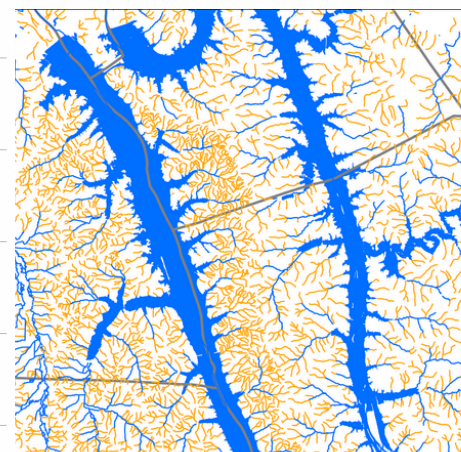
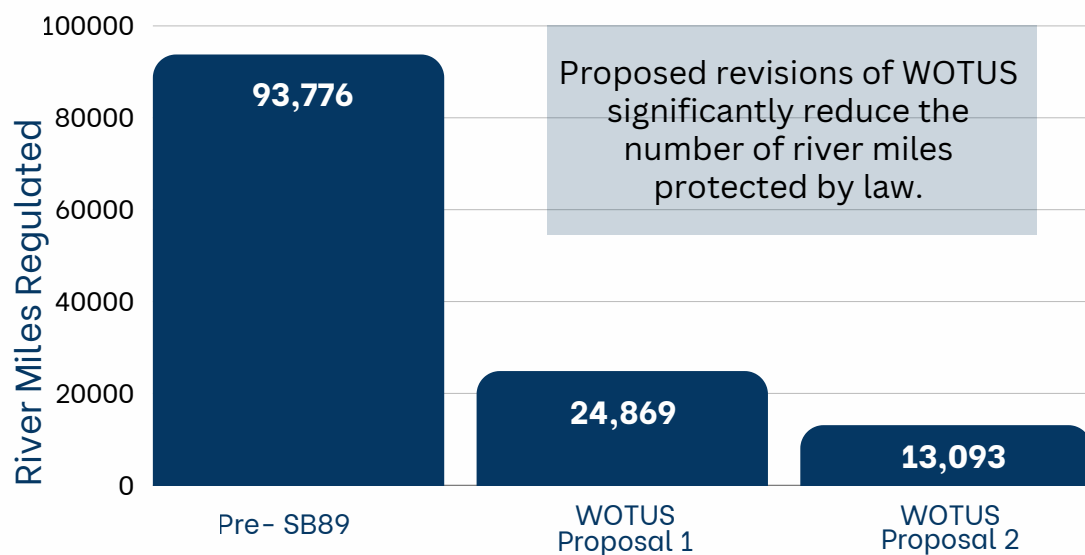
Infographic shows what is regulated under SB 89 currently, versus what would be regulated under new WOTUS definitions.

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## By the Numbers

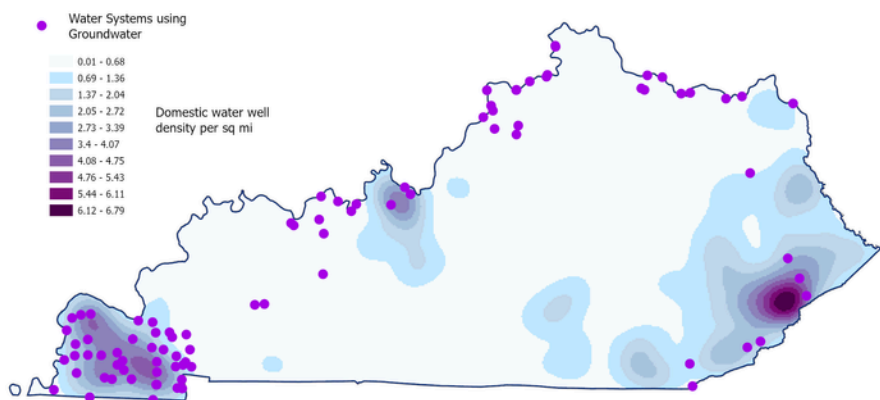
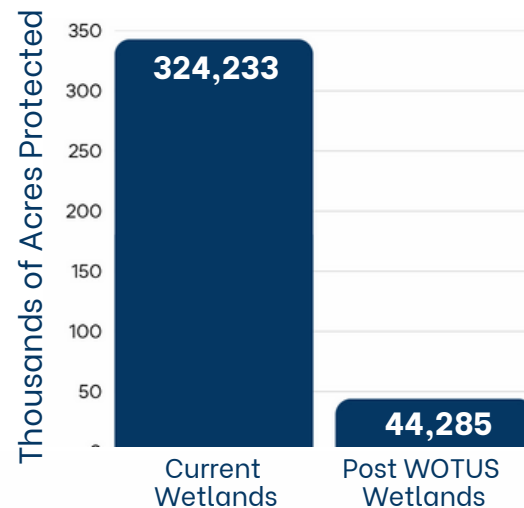


Continuously flowing waters are shown in blue. Orange indicates the seasonally flowing waterways that would lose protections.

**96%** of KY's Wetlands Lose Protection Under WOTUS

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

The wetlands at risk currently store over 280 billion gallons of water - that is the same volume as Barren River Lake, Green River Lake or Cave Run Lake.



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

