WOTUS COMPARISON CHART

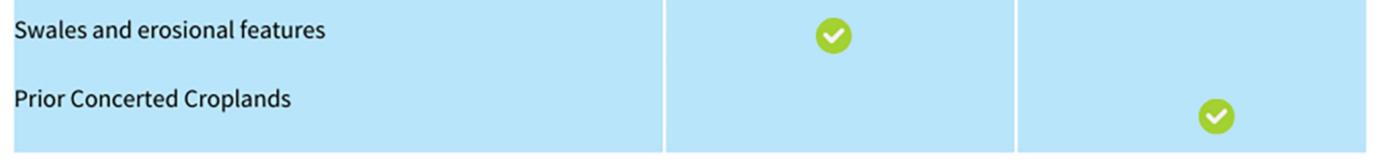| FEATURES	CONFORMING RULE	PRE-2015, PLUS *SACKETT*
TRADITIONAL NAVIGABLE WATERS		
Currently used, or were susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide	✓	
Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide		✓
Territorial Seas	✓	✓
Interstate Waters	✓	✓
IMPOUNDMENTS OF TNWS		
All impoundments of waters otherwise defined as waters of the United States under this definition	✓	✓
TRIBUTARIES		
Relatively permanent**, standing or continuously flowing bodies of water	✓	✓
ADJACENT WETLANDS		
Wetlands adjacent to TNWs	✓	
Relatively permanent, standing, or continuously flowing body of water with a continuous surface connection to a TNW or impoundment	✓	
Continuous surface connection to a TNW, impoundment or tributary		✓
INTRASTATE LAKES AND PONDS		
Relatively permanent, standing or continuously flowing body of water with a continuous surface connection to TNWs and relatively permanent tributaries	✓	
EXCLUSIONS		
Waste Treatment Systems (WTS), including ponds or lagoons	✓	
Prior Converted Croplands (PCCs) designated by the Secretary of Agriculture	✓	
Ditches, including roadside ditches, excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water	✓	
Artificially irrigated areas that would revert to dry land if the irrigation ceased	✓	
Artificial lakes or ponds created by excavating or diking dry land	✓	
Artificial reflecting or swimming pools	✓	
Waterfilled depressions	✓	
Swales and erosional features	✓	
Prior Concerted Croplands		✓

* NAHB's interpretation of Pre-2015, Plus Sackett, as official federal guidance has not yet been provided.

**Relatively permanent is identified under the 2008 Guidance as waters that typically (except due to drought) flow year-round or waters that have continuous flow at least seasonally (typically three months.) The Conforming Rule does not provide a bright line test.