Is my CWIS\(^1\) fed by a WOTUS\(^2\) Flowchart

1. **Is my CWIS\(^1\) fed by a WOTUS\(^2\)?**
   - **Yes**
     - Naturally occurring water body (i.e., lake, river, stream)
     - Permittee cannot apply for WOTUS\(^2\) exclusion
   - **Impounded WOTUS\(^2\)**
     - **Meets part 1 of definition in 40 CFR 122.2 for Waters of the United States**
     - **Yes**
       - Permittee cannot apply for WOTUS\(^2\) exclusion
     - **No**
       - Originally constructed for non-industrial purposes (e.g., water supply)
   - **Meets part 2 of definition in 40 CFR 122.2 for Waters of the United States**
     - **Public Water Supply**
     - **Independent Supplier**
     - No

2. **Original purpose**
   - Originally constructed for non-industrial purposes (e.g., water supply)
   - If constructed prior to the CWA\(^3\)
     - Permittee can apply for a WOTUS\(^2\) exclusion by submitting a Section 404 permit, or project documentation if constructed prior to CWA\(^3\), with application.

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\(^1\) Cooling Water Intake Structure

\(^2\) Waters of the United States

\(^3\) Clean Water Act

**Note:** This is not a 316(b) applicability flowchart.