

~~X~~—Outstanding Resource Waters

{To be added.}

High quality water considered to be of exceptional recreational or ecological significance (e.g., waters in national or state parks, wild and scenic rivers, or wildlife refuges) may be nominated for designation as outstanding resource waters. Waters designated by the state legislature as outstanding resource waters are then given Tier 3 levels of protection and are protected from the impacts of point and nonpoint source activities.

The nomination process for outstanding resource waters begins when A person or organization notifies the Board of Environment Quality of a stream segment that qualifies and should be considered for designation. This nomination must be in writing and shall include the following information:

- 1) The name, description and location of the stream segment,
- 2) The boundaries, upstream and down, of the stream segment,
- 3) An explanation of what makes the steam segment a candidate for the designation,
- 4) A description of the existing water quality and any technical date upon which the description is based,
- 5) A discussion of the types of nonpoint source activities currently being conducted that may lower water quality, together with those activities that are anticipated during the next two (2) years, and
- 6) Any additional evidence to substantiate such a designation.

The Board of Environmental Quality will consider the nomination and will give notice to the public that one or more stream segments are being considered for recommendation to the state legislature for designation. Public comments on the nomination and recommendation will be accepted by the board for a period of at least 45 days. There public comments may include, but are not limited to, discussion of socioeconomic considerations, fish, wildlife or recreational values, and other beneficial uses. The Board may also choose to hold a public hearing. This decision to hold a public hearing may be based on the following criteria:

- 1) One or more requests contain supporting documentation and valid reasons for designation,
- 2) A stream segment is generally recognized as constituting an outstanding resource such As waters of national and state park, wilderness or wild and scenic areas I or wildlife refuges,
- 3) A stream segment is generally recognized as waters of exceptional recreational or ecological significance,
- 4) Nominated stream segments meet criteria found in IDAPA 58.0102.052.09.c.ii and 58.0102.052.09.c.iii, and
- 5) Requests for a public hearing.

The Board will review nominations and determine segments to recommend to the legislature for designation as Outstanding Resource Waters. The Board will then submit a

report for each stream segment being recommended. This report shall contain information from the nomination, from the written record and from the hearing record, if appropriate, concerning the impacts the designation would have on socioeconomic conditions; fish, wildlife and recreational values, and other beneficial uses.

Nonpoint Source Activities

Water quality in outstanding resource waters is granted the highest level of protection, Tier 3. This means that water quality in these waters will be maintained and no person shall conduct a new or substantially modify an existing activity if that activity is expected to lower or degrade water quality. The only allowed exception is for those activities that are short term or temporary and which do not alter the essential character or special uses of a segment, allocation of water rights or operation of water diversions or impoundments.

Tributaries to Outstanding Resource Waters are not subject to restrictions of nonpoint source activities in the same manner as ORWs are. A person or organization may conduct a new or substantially modify an existing nonpoint source activity that may lower or degrade water quality in the tributary to an ORW provided that water quality of the ORW (below the appropriate or designated mixing zone) is not lowered and that anti degradation requirements for the tributary (i.e., Tier 1 or 2) are addressed.

For nonpoint source activities that took place prior to the designation of the water as an ORW, these activities may continue and shall be conducted in a manner that protects and maintains the current water quality of the ORW. However these existing nonpoint source activities may not be substantially modified in a way that may be reasonably expected to lower or degrade the quality of water once the water has been designated as an ORW.

Point Source Activities

Tier 3 protections applying to outstanding resource waters require that the water quality be maintained and protected from impacts of both point and nonpoint source activities. This typically means that point source discharges will not be allowed to expand nor will new point sources be allowed to discharge into an ORW. However, point source discharges that may cause degradation to an ORW may be allowed if the proposed degradation is offset by reductions in other dischargers as described in IDAPA 58.0102.052.06.c. Offsets are also described in greater detail in Section 3.4.