



# Water Body Support Status Tiering Guide

DEQ has developed this guide to help applicants applying for coverage under National Pollutant Discharge Elimination System (NPDES) general permits (e.g., Construction Stormwater General Permit, Multi-Sector General Permit for Stormwater Discharges from Industrial Activities) to determine whether the receiving water body in the project area should receive Tier 1 or Tier 2 antidegradation protection. This determination is necessary when developing stormwater pollution prevention plans (SWPPPs) and/or when filing a notice of intent (NOI) for permit coverage. *Please note that all waters of the state receive at least Tier 1 protections whether they are “impaired” or “high quality.”*

The following table will help you determine the correct tier of protection based on the assessment unit (AU) category and the support status of the aquatic life and contact recreation beneficial uses. The AU category must be determined from the most recent EPA-approved Integrated Report (available at [www.deq.idaho.gov/integrated-report](http://www.deq.idaho.gov/integrated-report)). For tiering determined on a case-by-case basis, contact the appropriate regional office staff (listed below). The information below is summarized from the Idaho water quality standards, specifically IDAPA 58.01.02.051.01–02 and IDAPA 58.01.02.052.05.a–c (excerpted on the following page).

AU Category	Aquatic Life Support Status	Contact Recreation Support Status	Appropriate Tier
1 or 2	Fully supporting assessed uses		Tier 2
3	Unassessed		Case by case—contact regional office
4 and/or 5	Impaired <sup>a</sup>	Supported	Tier 1 for aquatic life <sup>b</sup> and Tier 2 for contact recreation
	Impaired <sup>a</sup>	Unassessed	Tier 1 for aquatic life <sup>b</sup> and case-by-case for contact recreation
	Impaired <sup>a</sup>	Impaired	Tier 1 for both uses <sup>b</sup>
	Unassessed	Impaired	Case-by-case for aquatic life and Tier 1 for contact recreation
	Supported	Impaired	Tier 2 for aquatic life and Tier 1 for contact recreation

<sup>a</sup> Salmonid spawning is a subcategory of aquatic life use. According to the water body assessment process and IDAPA 58.01.02.250.02.f, the only reasons salmonid spawning should be impaired while cold water aquatic life uses are fully supporting is for temperature or dissolved oxygen. In the case where cold water aquatic life uses are fully supporting and the water body is in Category 4 or 5 solely for not supporting salmonid spawning, the water body may be assigned a Tier 2 protection for aquatic life uses under IDAPA 58.01.02.052.05.c.i. If the cold water aquatic life use is fully supporting and the salmonid spawning use is not supporting for reasons other than temperature or dissolved oxygen, contact the 401 program coordinator for further guidance.

<sup>b</sup> If causes for impairment are limited to only temperature, pH, and dissolved oxygen, DEQ may determine that Tier 2 protections for aquatic life uses may be warranted if evidence indicates the biological community is healthy.

## Additional Information

If you have additional questions or need further assistance, please contact either the 401 program coordinator or the appropriate DEQ regional office contact.

Regional Office	Contact Name	Office Phone
Boise	Lance Holloway	(208) 373-0550
Coeur d’Alene	June Bergquist	(208) 769-1422
Idaho Falls	Troy Saffle	(208) 528-2650
Lewiston	Cynthia Barrett	(208) 799-4875
Pocatello	Lynn Van Every	(208) 236-5013
Twin Falls	Balthasar Buhidar	(208) 736-2190

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**IDAPA 58.01.02.051.01–02****051. ANTIDegradation Policy.**

**01. Maintenance of Existing Uses for All Waters (Tier I Protection).** The existing in stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. (3-18-11)

**02. High Quality Waters (Tier II Protection).** Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the Department's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Department shall assure water quality adequate to protect existing uses fully. Further, the Department shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and cost-effective and reasonable best management practices for nonpoint source control. In providing such assurance, the Department may enter together into an agreement with other state of Idaho or federal agencies in accordance with Sections 67-2326 through 67-2333, Idaho Code. (3-18-11)

**IDAPA 58.01.02.052.05.a–c**

**05. Identification of Tier II Waters.** The Department will utilize a water body by water body approach in determining where Tier II protection is appropriate in addition to Tier I protection. This approach shall be based on an assessment of the chemical, physical, biological and other information regarding the water body. The most recent federally approved Integrated Report and supporting data will be used to determine the appropriate level of protection as follows: (3-29-12)

**a.** Water bodies identified in the Integrated Report as fully supporting assessed uses will be provided Tier II protection. (3-29-12)

**b.** Water bodies identified in the Integrated Report as not assessed will be provided an appropriate level of protection on a case-by-case basis using information available at the time of a proposal for a new or reissued permit or license. (3-29-12)

**c.** Water bodies identified in the Integrated Report as not fully supporting assessed uses will receive Tier I protection for the impaired aquatic life or recreational use, except as follows: (3-29-12)

**i.** For aquatic life uses identified as impaired for dissolved oxygen, pH or temperature, if biological or aquatic habitat parameters show a healthy, balanced biological community is present, as described in the “Water Body Assessment Guidance” published by the Idaho Department of Environmental Quality, then the water body shall receive Tier II protection for aquatic life uses. (3-29-12)

**ii.** For recreational uses, if water quality data show compliance with those levels of water quality criteria listed in Sections 200, 210, 251, and 275 (where applicable), then the water body shall receive Tier II protection for recreational uses. (3-29-12)