

Trout Waters & Antidegradation Information Sheet

TROUT WATERS

47CSR2, *Requirements Governing Water Quality Standards* provides a definition, and a representative list, of trout waters (a.k.a the Appendix A or B2 list). Trout are sensitive aquatic organisms that are afforded more stringent water quality criteria to ensure their protection.

47CSR2 defines trout waters as “streams or stream segments which sustain year-round trout populations. Excluded are those streams or stream segments which receive annual stockings of trout but which do not support year-round trout populations.”

In short, if a water is known to support trout year-round, it will receive trout water protection, regardless of whether it is listed on Appendix A. Legislation in the 2007 session proposes to increase the list of trout waters from 165 to 496.

ANTIDEGRADATION

Antidegradation provisions are a federally required component of a state’s water quality standards. The state’s antidegradation policy is found within 47CSR2 and the actual antidegradation requirements are set forth in **60CSR5, *Antidegradation Implementation Procedures***. The basic premise is to ensure that the state’s high quality waters are appropriately protected and that all waters’ existing uses are maintained. Certain exceptions are allowed if there are important social or economic reasons for allowing degradation. WV’s antidegradation regulations allow for differing levels of protection - Tier1, 2, 2.5 and 3.

Tier 1 - Protection of Existing Uses

Applies to all waters. Existing water uses must be protected.

Tier 2 - High Quality Waters

Default level of protection. This level allows for degradation of a stream's assimilative capacity by 10% or more. At higher than 10%, applicant must demonstrate an important economic and social need.

Tier 2.5 - Waters of Special Concern

No degradation greater than 10% use of assimilative capacity allowed.

Tier 3 - Outstanding Natural Resource Waters

No degradation

Notes:

- **Regardless of the level of protection under antidegradation, those streams meeting the definition of trout water and/or listed on the B2 list are afforded a higher water quality standard.**
- **In no circumstances may degradation be permitted that would result in a water quality violation for the stream.**