

AMENDATORY SECTION (Amending Order 02-14, filed 7/1/03, effective 8/1/03)

WAC 173-201A-420 Variance. (1) The criteria established in WAC 173-201A-200 through 173-201A-260 and 173-201A-600 through 173-201A-612 may be modified for individual facilities, or stretches of waters, through the use of a variance. Variances may be approved by the department when:

(a) The modification is consistent with the requirements of federal law (currently 40 CFR 131.10(g) and 131.10(h));

(b) The water body is assigned variances for specific criteria and all other applicable criteria must be met; and

(c) Reasonable progress is being made toward meeting the original criteria.

(2) The decision to approve a variance is subject to a public and intergovernmental involvement process.

(3) The department may issue a variance for up to five years, and may renew the variance after providing for another opportunity for public and intergovernmental involvement and review.

(4) Variances are not in effect until they have been incorporated into this chapter and approved by the USEPA.

AMENDATORY SECTION (Amending Order 06-04, filed 11/20/06, effective 12/21/06)

WAC 173-201A-600 Use designations--Fresh waters. (1) All surface waters of the state not named in Table 602 are to be protected for the designated uses of: Salmonid spawning, rearing, and migration; primary contact recreation; domestic, industrial, and agricultural water supply; stock watering; wildlife habitat; harvesting; commerce and navigation; boating; and aesthetic values.

(a) Additionally, the following waters are also to be protected for the designated uses of: Core summer salmonid habitat; and extraordinary primary contact recreation:

(i) All surface waters lying within national parks, national forests, and/or wilderness areas;

(ii) All lakes and all feeder streams to lakes (reservoirs with a mean detention time greater than fifteen days are to be treated as a lake for use designation);

(iii) All surface waters that are tributaries to waters designated core summer salmonid habitat; or extraordinary primary contact recreation; and

(iv) All fresh surface waters that are tributaries to

extraordinary ((quality)) aquatic life marine waters (WAC 173-201A-610 through 173-201A-612).

(2) The water quality standards for surface waters for the state of Washington do not apply to segments of waters that are on Indian reservations, except for surface waters overlying fee lands on the Puyallup reservation consistent with the Puyallup Tribe Land Claims Settlement of 1989.

(3) Aquatic life uses are designated based on the presence of, or the intent to provide, protection for the key uses identified in Table 600. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state in addition to the key species described below.

Table 600 (Key to Table 602)

Abbreviation	General Description
Aquatic Life Uses:	(see WAC 173-201A-200(1))
Char Spawning/Rearing	Char spawning and rearing. The key identifying characteristics of this use are spawning or early juvenile rearing by native char (bull trout and Dolly Varden), or use by other aquatic species similarly dependent on such cold water. Other common characteristic aquatic life uses for waters in this category include summer foraging and migration of native char; and spawning, rearing, and migration by other salmonid species.
Core Summer Habitat	Core summer salmonid habitat. The key identifying characteristics of this use are summer (June 15 - September 15) salmonid spawning or emergence, or adult holding; use as important summer rearing habitat by one or more salmonids; or foraging by adult and subadult native char. Other common characteristic aquatic life uses for waters in this category include spawning outside of the summer season, rearing, and migration by salmonids.

Abbreviation	General Description
Spawning/Rearing	<p>Salmonid spawning, rearing, and migration. The key identifying characteristic of this use is salmon or trout spawning and emergence that only occurs outside of the summer season (September 16 - June 14). Other common characteristic aquatic life uses for waters in this category include rearing and migration by salmonids.</p>
Rearing/Migration Only	<p>Salmonid rearing and migration only. The key identifying characteristic of this use is use only for rearing or migration by salmonids (not used for spawning).</p>
Redband Trout	<p>Nonanadromous interior redband trout. For the protection of waters where the only trout species is a nonanadromous form of self-reproducing interior redband trout (<i>O. mykiss</i>), and other associated aquatic life.</p>
Warm Water Species	<p>Indigenous warm water species. For the protection of waters where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redband shiner, chiselmouth, sucker, and northern pikeminnow.</p>
<p>Recreational Uses: (see WAC 173-201A-200(2))</p>	
Extraordinary Primary Cont.	<p>Extraordinary quality primary contact waters. Waters providing extraordinary protection against waterborne disease or that serve as tributaries to extraordinary quality shellfish harvesting areas.</p>
Primary Cont.	<p>Primary contact recreation.</p>
Secondary Cont.	<p>Secondary contact recreation.</p>

Abbreviation	General Description
Water Supply Uses:	(see WAC 173-201A-200(3))
Domestic Water	Domestic water supply.
Industrial Water	Industrial water supply.
Agricultural Water	Agricultural water supply.
Stock Water	Stock watering.
Miscellaneous Uses:	(see WAC 173-201A-200(4))
Wildlife Habitat	Wildlife habitat.
Harvesting	Fish harvesting.
Commerce/Navigation	Commerce and navigation.
Boating	Boating.
Aesthetics	Aesthetic values.