

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM

8

DECISION

TOPIC

**Amended Notice of Intended Action – Chapter 61 – Water Quality
Standards (Antidegradation Policy and Implementation
Procedures)**

The commission will be asked to approve an Amended Notice of Intended Action regarding proposed rulemaking to amend the state’s antidegradation policy and new implementation procedures.

Antidegradation policy is one of the three components of water quality standards (i.e. designated uses, water quality criteria to protect those uses, and antidegradation policy). The purpose of the antidegradation policy is to set minimum requirements for the state to follow in order to conserve, maintain, and protect existing uses and water quality. The department is required by 40 CFR 131.12(a) to develop and adopt a statewide antidegradation policy and to identify procedures for implementing the policy.

The department proposed a four-tiered approach and guidance document establishing procedures for implementing the antidegradation policy in November of 2008. The previous draft versions of the antidegradation policy rule, implementation procedures, and other related items can be found at the following web address:

<http://www.iowadnr.gov/water/standards/antidegradation.html>.

The proposed amendment to this Notice of Intended Action revises the list of Outstanding Iowa Waters (OIWs). The changes serve to more appropriately reflect waters that satisfy the criteria proposed for OIWs in addition to limiting the initial regulatory impact identified during the public comment process.

The department will be providing the Commission the revised list of OIWs prior to the July 21st EPC meeting. The amended Notice of Intended Action will also include two additional public hearings to take place in northeast Iowa.

Charles C. Corell, Bureau Chief
Water Quality Bureau
June 29, 2009

ENVIRONMENTAL PROTECTION COMMISSION [567]

Amended Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends the Notice of Intended Action published in the November 19, 2008, Iowa Administrative Bulletin as **ARC 7368B** to revise “Antidegradation Implementation Procedures” as proposed to be referenced in Ch. 61.2(2)e. The revisions modify the listings in “Appendix B – Outstanding Iowa Waters”. Several of the proposed creeks have been removed based on a scientific review of existing water quality conditions that do not meet the proposed criteria for Outstanding Iowa Waters at this time, in addition to potential adverse regulatory impacts. In addition, several new creeks have been added based on a scientific review of existing water quality conditions that do meet the proposed criteria for Outstanding Iowa Waters.

The amended notice of intended action also removes all lakes listed in Appendix B as Outstanding Iowa Waters. The Commission has deleted these water bodies based upon evidence that they do not currently meet the criteria to be classified as Outstanding Iowa Waters. However, the Commission invites further discussion and comment to determine which Iowa lakes, if any, should be designated as Outstanding Iowa Waters in the final rulemaking.

As a result of the revisions, persons are invited to present oral or written comments at three public hearings which will be held:

September 1, 2009

11 a.m.

Elkader Opera House
207 N. Main Street
Elkader, Iowa

September 1, 2009	6 p.m.	Northeast Iowa Community College - Waukon 1220 3rd Avenue, Suite 102, Room 115 Waukon, IA
September 3, 2009	6 p.m.	Iowa Lakeside Laboratory Waitt Building, 1838 Highway 86 Milford, Iowa

Detailed information regarding Iowa’s water quality standards and the Department’s rules, including the full version of the “Iowa Antidegradation Implementation Procedure”, can be found on the Department’s Web site at <http://www.iowadnr.com/water/standards/index.html>.

Any person may submit written suggestions or comments on the proposed amendments through September 15, 2009. Such written material should be submitted to Adam Schnieders, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895; or by E-mail to adam.schnieders@dnr.iowa.gov. Persons who have questions may contact Adam Schnieders at (515)281-7409.

The revisions change the listings in “Appendix B - Outstanding Iowa Waters” as follows:

Appendix B – Outstanding Iowa Waters

<u>STREAMS</u>	<u>DESCRIPTION</u>	<u>Length (Miles)</u>
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	<u>From road crossing in SW ¼, NW¼, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.</u>	<u>5.2</u>
Bear Creek	Confluence with N. Bear Cr. (S25, T100N, R7W, Winneshiek Co.) to spring source (Mestad Spring) (S29, T100N, R7W, Winneshiek Co.)	4.97
Bear Creek	Mouth (S8, T92N, R7W, Fayette Co.) to W. line of S6, T92N, R7W, Fayette Co.	3.94
Bohemian Creek	Mouth (Winneshiek Co.) to Howard Co. Rd. V58 (W. line of S2, T97N, R11W, Howard Co.)	12.58
Bloody Run	<u>From the confluence with to W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44</u>	<u>8.59</u>
Brownfield Creek	<u>Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)</u>	<u>.94</u>
Brush Creek	N. line of S23, T85N, R3E, Jackson Co. to N. line of S1, T85N, R3E, Jackson Co.	5.82
Buck Creek	Mouth (S29, T93N, R2W, Clayton Co.) to W. line of S9, T93N, R3W, Clayton Co.	13.26
Canoe Creek	Winneshiek Co. Rd. W38 to W. line of Section 8, T99N, R8W, Winneshiek Co.	7.34
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Coon Creek	Mouth (Winneshiek Co.) to rd. crossing in S13, T98N, R7W, Winneshiek Co.	3.22
Deer Creek	<u>E. line of S1, T100N, R19W, Worth Co. to road crossing in SE ¼, S35, T100N, R19W, Worth Co.</u>	<u>1.6</u>
Dousman Creek	<u>Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line</u>	<u>3.44</u>

Duck Creek	<u>From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.</u>	<u>1.98</u>
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (a.k.a. Erickson Spring Branch)	<u>Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.</u>	<u>.91</u>
Fenchel Creek (a.k.a. Richmond Springs)	Mouth (S5, T90N, R6W, Delaware Co.) to Richmond Springs (Center of S4, T90N, R6W, Delaware Co.)	4.26
Fountain Spring Creek (aka Odell Br.)	Mouth (SE1/4, S10, T90N, R4W, Delaware Co.) to W. line of NW1/4, S16, T90N, R4W, Delaware Co.	<u>2.82</u>
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Hickory Creek	Mouth (Allamakee Co.) to S. line of S28, T96N, R5W, Allamakee Co.	3.24
Jones Creek	<u>From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)</u>	<u>5.75</u>
Kleinlein Creek	<u>Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)</u>	<u>3.96</u>
Lime Creek	<u>From confluence with unnamed tributary in NE 1/4, NW 1/4, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.</u>	<u>3.0</u>
Little Mill Creek	Mouth (Jackson Co.) to W. line of S29, T86N, R4E, Jackson Co.	6.74
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Little Turkey River	Clayton Delaware Co. line to S. line of S11, T90N, R3W, Delaware Co.	3.25
Ludlow Creek	<u>Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)</u>	<u>2.00</u>
Maquoketa River	Confluence with South Fork Maquoketa River (S16, T90N, R6W, Delaware Co.) to Hwy 3(N. Line S24, T91N, R7W, Fayette Co.)	8.61
Middle Fork Little Maquoketa River	W. line of S31, T90N, R1E, Dubuque Co. to N. line of S33, T90N, R1W, Dubuque Co.	4.94
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mink Creek	Mouth (S30, T93N, R6W, Clayton Co.) to W. line of S15, T93N, R7W, Fayette Co.	5.94
Mossey Glen Creek	<u>Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.</u>	<u>1.96</u>
Niehols Creek (aka Bigalk Cr.)	Mouth (S18, T100N, R10W, Winneshiek Co.) to W. line of S23, T100N, R11W, Howard Co.	4.18
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line	6.39
North Cedar Creek	Mouth (S8, T94N, R3W, Clayton Co.) to W. line of S24, T94N, R4W, Clayton Co.	4.62
Otter Creek	Mouth (Fayette Co.) to confluence with Unnamed Cr. (a.k.a. Glovers Cr., S22, T94N, R8W, Fayette Co.)	10.89
Paint Creek	Little Paint Cr. to Rd. crossing, S18, T97N, R4W, Allamakee Co.	12.37
Patterson Creek	Mouth (Allamakee Co.) to E. line of S3, T98N, R6W, Allamakee Co.	4.85
Pine Creek (aka South Pine Creek)	<u>Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.</u>	<u>2.80</u>
Ram Hollow	Mouth (S11, T90N, R3W, Clayton Co.) to spring source (S10, T90N, R3W, Delaware Co.)	0.66
Silver Creek	Mouth (S4, T99N, R5W, Allamakee Co.) to S. line of S31, T99N, R5W, Allamakee Co.	8.31
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	<u>From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)</u>	<u>1.90</u>
Sny Magill Creek	Mouth (S23, T94N, R3W, Clayton Co.) to W. line of S6, T94N, R3W, Clayton Co.)	7.57
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Spring Creek	Mouth (Mitchell Co.) to N. line of S8, T97N, R16W, Mitchell Co.	3.93
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co	1.37
Trout Run	<u>Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach</u>	<u>1.0</u>
Turtle Creek	Mouth (Mitchell Co.) to E. line of S7, T99, R17W, Mitchell Co.	3.45
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek	Mouth (S1, T86N, R3E, Jackson Co.) to W. line of S1, T86N, R3E, Jackson Co.	0.73

Unnamed Creek (aka Cold Water Cr.)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka Glovers Cr.)	Mouth (S22, T94N, R8W, Fayette Co.) to W. line of S15, T94N, R8W, Fayette Co.	1.43
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Unnamed Stream (aka Trout Run)	Mouth (S27, T98N, R8W, Winneshiek Co.) to S. line of S27, T98N, R8W, Winneshiek Co.	0.54
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Wapsipinicon River	Confluence with UT in McIntire (S34, T100N, R15W Mitchell Co.) to N. line of (S20, T100N, R15W, Mitchell Co.)	5.24
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	.67
Wexford Creek	Mouth (S5, T97N, R2W, Allamakee Co.) to W. line of S25, T98N, R3W, Allamakee Co.	4.42
Grand Total		112.39 miles

LAKES	Description (Section, Township, Range)	Size (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
East Okoboji Lake SGMA	S29, T99N, R36W	1835
Lower Gar Lake SGMA	S32, T99N, R36W	251
Minnewashta Lake SGMA	S29, T99N, R36W	122
Upper Gar Lake SGMA	S29, T99N, R36W	36
West Okoboji Lake SGMA	S20, T99N, R36W	3,847
Dalton Lake	S34, T84N, R5E	2

Date

Richard Leopold, Director