

EXPRESS TERMS
6 NYCRR PART 830
LAKE CHAMPLAIN DRAINAGE BASIN

(Statutory authority: [Public Health Law, art. 12]Environmental Conservation Law, Section 17-0301)

Existing section 830.1 is AMENDED to read as follows:

830.1 Adopting order. Pursuant to [the authority contained in article 12 of the Public Health Law, the Water Pollution Control Board having made proper studies and having held a public hearing on due notice with reference thereto, hereby adopts and assigns the following classifications and standards of quality and purity to the various waters as specifically designated and described below and subject to the definitions and conditions as stated.]article 17 of the Environmental Conservation Law, after proper study and following a public hearing held on due notice, the Department of Environmental Conservation (Department) hereby adopts and assigns the following classifications and standards of quality and purity to all surface waters within the Lake Champlain drainage basin, as hereinafter described.

Sections 830.3 to 830.8 are renumbered as sections 830.5 to 830.10, respectively.

Section 830.2 is renumbered as section 830.3 and is AMENDED to read as follows:

830.3 Definitions [and conditions]. The [several] terms, words, or phrases [hereinafter mentioned shall be construed as follows]used in this Part shall have the meanings described below:

(a) [Class as appearing in table I, as the letters AA or D opposite each specifically designated waters means class AA or D as the case may be, as set forth in Part 701, supra.]“Item no.” In table I, the waters within the Lake Champlain drainage basin are listed for purposes of

classification. For ease of reference, each listing in the table has been assigned an “item number.”

(b) [Standards as appearing in table I, as the letters AA, AA-special, A, B, C, D or F opposite each specifically designated waters shall mean the standards of quality and purity established for class AA, AA-special, A, B, C, D or F as the case may be, as set forth in Part 701 and 702, supra. The symbol (T) after any class designation shall mean that the designated waters are trout waters and that the dissolved oxygen specification for trout waters shall apply thereto.]
“Waters index number” as appearing in table I shall mean that number or abbreviation which has been assigned to any specifically designated waters or portions thereof for the purpose of identification.

(1) The numbering or index system used to identify specific waters of New York State was adapted from that used by the Department in its biological survey series of reports on the watersheds of the State. The primary waters of a drainage basin, such as rivers or large lakes, are usually referred to by name or an abbreviation. Tributaries of primary waters are consecutively numbered progressing upstream from the mouth. Ponds and lakes are numbered consecutively as they are encountered, such numbers being preceded by the letter P. Tributaries of lakes and ponds are numbered consecutively as they enter, progressing clockwise around the lake or pond from its outlet or mouth. When isolated lakes and ponds are referenced by a waters index number, it is merely for convenience of their identification and location within a drainage basin, and it is not necessarily indicative of their being tributary to any waters to which no surface connection is shown on the reference maps.

(2) This system was applied to the basin under consideration by the Department in its biological survey of the Lake Champlain watershed and has been closely followed in connection with the identification of the waters with the following exceptions: some of the stream numbers do not run

consecutively due to the omission of streams originally shown on older maps employed by the Department at the time of its survey but not shown on newer maps reproduced herein. Conversely, a few streams not shown on the older maps but appearing on the newer maps are designated by the letters a, b, c, etc.

(3) The system as applied to the identification of waters in the Lake Champlain drainage basin may be illustrated as follows:

<u>“Waters index number”</u>	<u>“Name of waters”</u>	<u>“Explanation”</u>
<u>C</u>	<u>Lake Champlain</u>	<u>Lake Champlain, a primary waterway.</u>
<u>C-15</u>	<u>Saranac River</u>	<u>The fifteenth tributary entering Lake Champlain numbering from north to south beginning at the Canadian Border at the north and proceeding to the Vermont Border at the south.</u>
<u>C-15-22</u>	<u>North Branch Saranac River</u>	<u>The twenty-second tributary entering the Saranac River upstream from its mouth.</u>

<u>C-15-22-24</u>	<u>Tributary of North Branch</u> <u>Saranac River</u>	<u>The twenty-fourth tributary</u> <u>entering the North Branch</u> <u>Saranac River upstream from</u> <u>its mouth.</u>
<u>C-15-22-24-P 48</u>	<u>Loon Lake</u>	<u>The forty-eighth pond, lake,</u> <u>or reservoir encountered in</u> <u>the biological survey of the</u> <u>Lake Champlain watershed</u> <u>and specifically located in the</u> <u>drainage basin of C-15-22-</u> <u>24.</u>

(c) [Waters index number as appearing in table I shall mean that number which has been applied to any specifically designated waters appearing on the maps set forth in section 830.8, infra.]The abbreviations “trib.,” “tribs.,” “subtrib.,” and “subtribs.” indicating tributary, tributaries, subtributary, and subtributaries, respectively, shall mean any stream, lake, pond, or other body of surface water which flows into any other stream, lake, pond, or other body of surface water. Where no tributaries or subtributaries are mentioned, the specifically designated waters shall include only the stream, lake, pond, or other body of surface water referenced by such waters index number; where tributaries or subtributaries are mentioned after the waters index number, the specifically designated waters shall include the stream, lake, pond, or other body of surface water referenced by such waters index number and all tributaries and subtributaries thereof, which are shown on the reference maps, unless exceptions are expressly stated.

(d) “Name” as appearing in table I shall mean the name, if any, by which the specifically designated waters are generally known and which [name] may appear[s] on the reference maps. In cases of specifically designated waters which have no name, the named [tributary]waters to which the unnamed waters are tributary [is]are indicated [so]as far as possible. [In the table, an item number is assigned consecutively to each specifically designated waters.]

(e) “Description” as appearing in table I shall mean a brief indication as to the location of the specifically designated waters[so that by reference to reference maps such waters may be located without specific reference to their waters index numbers. Entries under column headed "Description" also include designations of sections of a stream to which a particular assignment of a class and standards shall apply]. Entries may include designations of segments or sections of waters to which a particular assignment of a class and standards shall apply. Entries may also include any useful information pertinent to the classification and standards. Geographic coordinates, when specified, are based on the Universal Transverse Mercator coordinate system zone 18 north (UTM 18N), North American Datum of 1983 (NAD83), in meters. All coordinates are expressed as east (E), north (N), and rounded to the nearest ten meters.

(f) “Map ref. no.” The map reference numbers appearing in[the] table I under this heading designate[d] the following maps which have been reproduced completely or in part in section 830.[8, infra]10 of this Part.

“Map ref. no.”	“Name of quadrangle”	“Published by”	“Edition”
A-24	Churubusco	U.S. Army, Corps of Engineers	1943
A-25	Moors	U.S. Army, Corps of Engineers	1943

A-26	Rouses Point	U.S. Army, Corps of Engineers	1943
B-23	Loon Lake	U.S. Army, Corps of Engineers	1908
B-24	Lyon Mountain	U.S. Army, Corps of Engineers	1913
B-25	Dannemora	U.S. Army, Corps of Engineers	1913
B-26	Plattsburgh	U.S. Army, Corps of Engineers	1943
C-22	St. Regis	U.S. Army, Corps of Engineers	1905
C-23	Saranac	U.S. Army, Corps of Engineers	1902
C-24	Lake Placid	U.S. Army, Corps of Engineers	1898
C-25	Ausable	U.S. Army, Corps of Engineers	1903
C-26	Willsboro	U.S. Army, Corps of Engineers	1943
D-22	Long Lake	U.S. Army, Corps of Engineers	1904
D-23	Santan[<u>a</u>]oni	U.S. Army, Corps of Engineers	1904
D-24	Mt. Marcy	U.S. Army, Corps of Engineers	1902
D-25	Elizabethtown	U.S. Army, Corps of Engineers	1901
D-26	Port Henry	U.S. Army, Corps of Engineers	1947
E-25	Paradox Lake	U.S. Army, Corps of Engineers	1897
E-26	Ticonderoga	U.S. Army, Corps of Engineers	1902
F-25	Bolton	U.S. Army, Corps of Engineers	1900

F-26	Whitehall	U.S. Army, Corps of Engineers	1902
G-24	Luzerne	U.S. Army, Corps of Engineers	1903
G-25	Glens Falls	U.S. Army, Corps of Engineers	1897
G-26	Fort Ann	U.S. Army, Corps of Engineers	1904

(g) [Tributary or tributaries shall mean any stream, lake, pond or other body of surface water which flows into any other stream, lake, pond or other body of surface water. In the table under column headed "Waters Index Number" where no tributaries are mentioned, the specifically designated waters shall include only the stream, pond, or other body of water designated by such waters index number; where tributaries are mentioned after the waters index number, the specifically designated waters shall include the stream, pond, or other body of water designated by such waters index number and all tributaries and subtributaries thereof which are shown on the reference maps, unless exceptions are expressly stated.]"Class" as appearing in table I and denoted by the letters AA-S, AA, A, B, C, or D opposite each specifically designated waters, shall mean class AA-S, AA, A, B, C, or D, as the case may be, as set forth in Part 701 of this Title.

(h) [All streams or other bodies of water which appear as black lines with accompanying index numbers on the maps partially reproduced in section 830.8, infra, or which appear on the original published maps listed in subdivision (f) above as blue continuous or dotted lines to indicate natural waters and which are not specifically designated in the table shall be assigned the same classes and standards of quality and purity as the specifically designated waters to which they are directly tributary.]"Standards" as appearing in table I and denoted by the letters AA-S, AA, A, B, C, or D opposite each specifically designated waters, shall mean the standards of quality and purity

established for class AA-S, AA, A, B, C, or D, as the case may be, as set forth in Parts 700-706 of this Title. The symbol (T) appearing after any standard designation means that the designated waters are trout waters and that any water quality standard, guidance value, or thermal criterion that specifically refers to trout or trout waters applies. The symbol (TS) appearing after any standard designation means that the designated waters are trout spawning waters and that any water quality standard, guidance value, or thermal criterion that specifically refers to trout, trout spawning, trout waters, or trout spawning waters applies.

(i) [All streams, rivulets and other collections of natural waters within the above drainage basin as below defined which are not shown on the reference maps shall be assigned to class D with the standards of quality and purity for class D assigned thereto. Provided, however, that any continuous flowing natural stream which is not shown on the reference maps shall have the same classification as the waters to which it is directly tributary.]The term "trout" as used in this Part means any fish in the following genera: "Coregonus," "Oncorhynchus," "Prosopium," "Salmo," "Salvelinus," and "Thymallus."

(j) The [Lake Champlain drainage basin shall be deemed to include the following areas: All land and water areas, the natural surface water drainage from which is directly or indirectly tributary to Lake Champlain within New York State.] term "forest preserve" as used in this Part shall have the same meaning as the definition contained in subdivision 6 of Section 9-0101 of the Environmental Conservation Law.

[(k) Notwithstanding the items indicated in table I which, in some instances, indicate assignment of classifications for waters contained within the boundaries of the State-owned forest preserve lands and, therefore, controlled under the provisions of the State Constitution and the Conservation Law, such waters are hereby excluded from classification to the extent that any part

of such waters may be located within the boundaries of the State-owned forest preserve lands. All waters within 100 feet of the boundaries of the State-owned forest preserve lands shall have a classification of A and be governed by the rules and regulations promulgated by the Water Pollution Control Board, unless a higher classification has been assigned.]

New section 830.2 is ADOPTED to read as follows:

830.2 Designated waters. The Lake Champlain drainage basin shall include the following areas: Lake Champlain and all land and water areas, the natural surface water drainage from which is directly or indirectly tributary to Lake Champlain.

New section 830.4 is ADOPTED to read as follows:

830.4 Special conditions. (a) All streams or other bodies of water which appear as lines to indicate natural waters on the reference maps herein, and which are not specifically designated in table I, shall be assigned the same classes and standards of quality and purity as the specifically designated waters to which they are directly tributary.

(b) All streams or other bodies of water which are not shown on the reference maps herein shall be assigned to class D, as set forth in Part 701 of this Title except that any continuous flowing natural stream which is not shown on the reference maps shall have the same class and assigned standards of quality and purity as the waters to which it is directly tributary.

(c) Notwithstanding the classifications in table I and the special conditions in paragraphs a and b of this section, waters contained within the boundaries of forest preserve lands and, therefore, controlled under the provisions of the State Constitution and the Environmental Conservation Law are hereby excluded from classification to the extent that any part of such waters

may be located within the boundaries of forest preserve lands. All waters within 100 feet of a boundary of forest preserve lands but not located on forest preserve lands shall have a classification of A and be governed by the rules and regulations promulgated by the Department of Environmental Conservation, unless a higher classification has been assigned.

Renumbered section 830.5 is AMENDED to read as follows:

830.5 Assigned classifications and standards of quality and purity. The classifications and standards of quality and purity which are hereby assigned to all fresh surface waters within the Lake Champlain drainage basin [with]within New York State are as set forth in table I.

Renumbered section 830.6 Table I is AMENDED to read as follows:

[insert table I here]

Renumbered section 830.7 Map 1 is AMENDED by replacing existing Map 1 with the attached map.

[attach modified map here]

Renumbered sections 830.8 and 830.9. No changes other than renumbering are proposed to these sections.

Renumbered section 830.10 is AMENDED by repealing and replacing 17 quadrangle maps as shown below. The 3 maps that are not being changed are so-indicated.

A-24 is repealed and replaced with new map A-24

A-25 is repealed and replaced with new map A-25

A-26 is repealed and replaced with new map A-26

B-23 & C-23 is repealed and replaced with new map B-23 & C-23

B-24 is repealed and replaced with new map B-24

B-25 is repealed and replaced with new map B-25

B-26 is repealed and replaced with new map B-26

C-22 & D-22 is unchanged

C-23 & D-23 is repealed and replaced with new map C-23 & D-23

C-24 is repealed and replaced with new map C-24

C-25 is unchanged

C-26 is unchanged

D-24 is repealed and replaced with new map D-24

D-25 is repealed and replaced with new map D-25

D-26 is repealed and replaced with new map D-26

E-25 & E-26 is repealed and replaced with new map E-25 & E-26

F-25 is repealed and replaced with new map F-25

F-26 is repealed and replaced with new map F-26

G-24 & G-25 is repealed and replaced with new map G-24 & G-25

G-26 is repealed and replaced with new map G-26

[attach modified maps here]