

7050.0420 COLD WATER HABITAT WATERS.

A. Cold water habitat waters are listed under part 7050.0470.

B. Cold water habitat waters identified as class 2A, 2Ae, or 2Ag in part 7050.0470 must reflect an existing beneficial use or a feasibly attainable beneficial use, according to Code of Federal Regulations, title 40, section 131.10, that permits propagating and maintaining a healthy community of cold water aquatic biota and their habitats. For purposes of this subpart, "existing beneficial use" means a beneficial use that was attained in a water body on or after November 28, 1975.

C. The commissioner must propose changes to part 7050.0470 when reliable scientific evidence supports adding or removing a water listed as class 2A, 2Ae, or 2Ag. Changes must be supported by data relevant to the biological community, habitat, thermal regime, or other features of a class 2A, 2Ae, or 2Ag habitat.

D. Unless otherwise listed in part 7050.0470, all class 2A, 2Ae, or 2Ag waters listed in part 7050.0470 are also classified as class 1B, 3, 4A, 4B, 5, and 6 waters.

Statutory Authority: *MS s 115.03; 115.44*

History: *9 SR 914; 12 SR 1810; 15 SR 1057; 18 SR 2195; 24 SR 1105; 32 SR 1699; 44 SR 1416; 46 SR 5*

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