

Outstanding National Resource Waters (ONRWs)

Tier 3: No Degradation in ONRWs

- Applies only to waters classified as Outstanding National Resource Waters (ONRW)
 - This classification “overlays” designated uses
 - Candidates include, but are not limited to: “waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance”
- Only minor & temporary decreases in water quality are allowed

Questions for workgroup

1. Should Alaska adopt an intermediate level of protection or Tier 2.5?
2. Should existing permits be grandfathered?
3. What waters are eligible for ONRW status?
4. Who can nominate? What information is required to nominate a water?
5. What criteria should be used to determine if an ONRW nomination meets test for further consideration?
6. What is the approval process/criteria for a water be designated an ONRW, and who makes the final decision?

Locations of ONRWs

- Waters in State or national parks, nature reserves, wildlife refuges, or wilderness areas
- Waters having reproducing salmonid populations (Eastern U.S.)
- Presence of threatened or endangered species
- Waterbody which has exhibited exceptionally high biological, chemical, or recreational qualities

Eligible Waters for ONRW Designation

- Wyoming designates all surface waters located in national parks or congressionally designated wilderness areas as Class 1 or outstanding waters
- Maine designates all surface waters located in national and state parks and refuges, public reserved lands, and any waters classified as class AA (rivers and streams) or SA (marine waters) as outstanding

Arizona

- Navigable water is of exceptional recreational or ecological significance because of its unique attributes
- Threatened and endangered species known to be associated with the navigable water, and the existing water quality is essential to species maintenance and propagation or provides critical habitat to the species

Pennsylvania

- Must first qualify as a high quality water and then possess one or more of the following:
 - Location in a national wildlife refuge or state game propagation and protection area
 - Location in a designated state park, natural area, or state forest natural area, national natural landmark, federal or state wild river, federal wilderness area or national recreation area
 - Qualification as an outstanding national, state, regional, or local resource water
 - Exceptional regional significance
 - A score of at least 92% using biological assessment
 - Qualification as a Wilderness Trout Stream

West Virginia

- All streams and rivers within the boundaries of Wilderness Areas designated by the Wilderness Act
- All federally designated rivers under the “Wild and Scenic Rivers Act”
- All streams and other water bodies in State parks which are high quality waters or naturally reproducing trout streams
- Waters designated under “National Parks and Recreation Act of 1978”
- Water whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource

Information That May Be Required

- Biological and chemical evidence of exceptional quality
- Endangered species presence
- Salmonid spawning/rearing data
- Significant recreational use data
- Environmental impact of designation
- Economic impact of designation
- Public opinion

Nomination Process

- In most states any organization or citizen can formally nominate a waterbody
- A detailed nomination proposal is often required including:
 - Biological data
 - Chemical data
 - Historical and current recreational use data
 - Land use information

Nomination Process Example

- New Mexico nomination process
 - Any citizen may petition the state Water Quality Control Commission
 - The petition must contain the all of the following:
 - A map with the proposed water boundaries
 - A written statement with scientific evidence
 - Chemical, physical, or biological data
 - Discussion of possible sources of degradation
 - Discussion of local and regional economic impact
 - Notice of petition in local and statewide news papers

Approval Process

- Regulatory agency or sister agency (e.g., Department of Natural Resources) assesses environmental and economic impacts
- Public hearings
- In many states either the Department of Natural Resources or the Water Quality Control Board makes the final determination.
- In some states, the legislature decides

Approval Process Examples

- New Mexico
 - The water quality control commission will make the final decision based on the evidence available
- Virginia
 - Multiple opportunities for public comment and input are provided
 - The overall process may take up to 2 years to finalize
 - The state water control board, comprised of citizens who make regulatory decisions about water issues, will make the final decision

ONRW Options

- Option A: Must meet or exceed all water quality criteria
- Option B: Outstanding water quality is not a prerequisite
- Option C: Threatened or endangered species are known to be associated with the waterbody
- Option D: Exceptional recreational or ecological significance because of its unique attributes
- Option E: Location, previous special designations, existing water quality, ecological value, recreational or aesthetic value, etc.
- Option F: All waterbodies within wilderness areas, state and federal parks, etc.