



The Wild and Scenic Rivers Coalition is a national alliance of more than 60 organizations working to protect rivers through legislative and administrative wild and scenic river designations and state water quality systems like Outstanding National Resource Waters (ONRW). In this white paper, we provide information in relation to implementation of federal antidegradation policy and share examples for states to consider when thinking about how to identify and set their state's ONRW nomination procedures and eligibility criteria. While the Clean Water Act guides the application of the anti-degradation standards including Outstanding National Resource Waters, the Wild and Scenic Rivers Act envisions that the Environmental Protection Agency, states, and federal Wild and Scenic River managers cooperate "for the purpose of eliminating or diminishing the pollution of waters of the river" (16 U.S.C. 1283(c)). There are many examples across the country of states that apply Outstanding National Resource Water anti-degradation standards for Wild and Scenic Rivers.

## Examples of Criteria for ONRW Eligibility

Note that this list is not exhaustive, it should be viewed as a starting point to generate ideas.

- A. Designations—Areas that have already been identified as outstanding in some capacity and already have some sort of federal, state, or local designation, examples include:

*Federal Designations:*

- a. Wild and Scenic Rivers: designated, eligible, suitable\*
- b. National Water Trails
- c. National Recreational Trails with on-water segments
- d. Wilderness Areas
- e. National Parks
- f. National Recreation Areas
- g. National Monuments
- h. National Wildlife Refuges
- i. Estuarine Research Reserves

*Common State Designations:*

- j. State Wild and Scenic Rivers or other similar designation
- k. State Water Trail or Waterway Trail
- l. State special waters (e.g. state parks, special trout waters, blue ribbon fisheries, state nature reserves)
- m. County Park
- n. Municipal Park

*Common Local Government Designations:*

- i. County Park
- ii. Municipal Park

- B. Outstanding Ecological Value:

- a. Coldwater refugia

- b. Unique habitat types
- c. Supports key populations of rare, federally or state threatened or endangered species, state species of greatest conservation need, or other species identified by the state as ecologically important
- d. Reference streams

C. Exceptional Recreational Value:

- a. Areas that are already designated in some capacity due to their recreational significance (Wild and Scenic Rivers, Recreation Areas, etc.), some of which are also noted above in section A.
- b. Areas with high visitor numbers (angler days, hikers, campers, boaters)
- c. Areas that have been identified as having exceptional recreational value through surveys or testimonials (having one of the best or most popular hiking trails, fishing opportunities, campground or other attractions)
- d. Areas that support populations of Species of Economic or Recreational Importance (SERI) or other species that have been identified federally or by the state to be important game or wildlife viewing species
- e. Waters that are economic drivers to the state or local economy due to their recreational significance

\*reference last section of this letter

## Implementation of ONRW Protections

We encourage EPA to consider including guidance to states about:

- A. How to implement ONRW protections once waters have been designated, including more guidance on what new or increased degradation means. Useful examples could include a new discharge that wouldn't necessarily be prohibited if it would result in improved conditions (ex. replacing faulty septic tanks with a wastewater treatment plant in an area with a bacteria TMDL).
- B. How states can better ensure that new degradation doesn't occur in designated waters. Useful recommendations could include:
  - a. Encouraging increased monitoring in designated ONRWs
  - b. Increased outreach to land management entities with designated waters about what ONRW protections are
  - c. Encouraging land management entities and municipalities with designated ONRWs to include ONRW implementation language in their planning documents and environmental review and compliance procedures

## State Examples

We encourage EPA to include these in the handbook and/or to share with states in other comprehensive ways.

A. *State ONRW Examples*

- a. New Mexico: The type and breadth of designations in New Mexico is significant. The state has over 1,400 hundred miles of rivers and 8,000 acres of wetlands designated as ONRWs. Given the significance of non-perennial streams to the health of watersheds as a whole, New Mexico has designated numerous ephemeral and intermittent streams as ONRWs.

- b. New Jersey: The state focuses on using scientific methods for assessing habitat and water chemistry mainly through two anti-degradation criteria, exceptional ecological significance and exceptional fisheries resources. These criteria recognize the importance of the state’s riparian habitats for trout and other species living in the same water conditions (e.g. black nosed dace), including sub-watershed impervious coverage, and coastal waters for shellfish.
- c. Washington: The state has identified and adopted numerous eligibility criteria it considers for ORW (Outstanding Resource Water) designation including cold water thermal refuges. This criterion is particularly important given the status of salmon and steelhead populations in the state.

**B. State ONRW/Wild and Scenic River Examples**

Application of anti-degradation standards is established by the states. About half of the states (23) have designated Wild and Scenic Rivers (WSRs) as ONRW, as indicated by the references at the end of this section. States which apply ONRW to WSRs include:

Alabama	Kentucky	Oregon
Arkansas	Maine	South Carolina
Arizona	Missouri	Tennessee
Colorado	Montana	Texas
Delaware	Nebraska	Washington
Georgia	New Mexico	West Virginia
Florida	North Carolina	Wisconsin
Idaho	Oklahoma	

But more than half have not applied ONRW to National Wild and Scenic Rivers. In some states, there is confusion about whether a Wild and Scenic River can meet the definition for exceptional recreational significance for ONRW. Some states do not have language to implement a definition of “exceptional recreational significance.” Some EPA regions have greater usage and familiarity with applying ONRW to WSRs, notably in the South and West (see below). There are fewer applications of ONRW in the Northeast and Midwest. It may be that states in these regions are not aware of how ONRW can be applied to WSRs. They might need additional communication or technical guidance to understand that WSR designation alone can be used to justify an ONRW anti-degradation standard. Consistency in communication and technical resources by EPA Regional Offices to states could improve nationwide use of ONRW to protect Wild and Scenic Rivers water quality from degradation.

*ONRW application to WSRs by EPA region and state*

- a. Region 1: 1 out of 6 states (Maine)
- b. Region 2: None out of 2 states
- c. Region 3: 2 out of 5 states (Delaware, West Virginia)
- d. Region 4: 6 out of 8 states (Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee)
- e. Region 5: 1 out of 6 states (Wisconsin)
- f. Region 6: 4 out of 5 states (Arkansas, New Mexico, Oklahoma, Texas)
- g. Region 7: 2 out of 4 states (Missouri, Nebraska)
- h. Region 8: 2 out of 6 states (Colorado, Montana)
- i. Region 9: 1 out of 3 states (Arizona)

- j. Region 10: 3 out of 3 states (Idaho, Oregon, Washington)

#### *Useful Resources*

##### Federal Land Management Agency

- Example of Federal agency applying anti-degradation standards into its own water quality management on a federal land unit: *National Park Service, 1989. Outstanding National Resource Water as a Resource Management Tool, (book), available at: [npshistory.com/publications/water/onrw.pdf](http://npshistory.com/publications/water/onrw.pdf)*

##### Analyses of States Applying ONRW

- A national analysis of states that applied ONRW antidegradation standards to Wild and Scenic Rivers. *Idaho Department of Environmental Quality (no longer available online), available at: [https://musconetcong-my.sharepoint.com/:b:/g/person/alan\\_musconetcong\\_org/ERK3EJjg6H5lvIQ4DH1\\_y1UBZLHSRE8aO7fUa2WfwHEwog?e=3pkWuc](https://musconetcong-my.sharepoint.com/:b:/g/person/alan_musconetcong_org/ERK3EJjg6H5lvIQ4DH1_y1UBZLHSRE8aO7fUa2WfwHEwog?e=3pkWuc)*
- A White Paper examining the application of ONRW antidegradation standards to waters in 13 Western States. *Wild Earth Guardians, 2011, Clean Waters, Wild Forests: A Citizen Manual for Designating Outstanding Waters in the Wild Forests of the Western United States, available at: [http://pdf.wildearthguardians.org/site/DocServer/ONRW\\_Handbook\\_Final\\_Sept\\_2011.pdf](http://pdf.wildearthguardians.org/site/DocServer/ONRW_Handbook_Final_Sept_2011.pdf)*

##### Application of ONRW to Wild and Scenic Rivers Nation-wide

- A White Paper by the Interagency Wild and Scenic River Council indicating Wild and Scenic Rivers and their anti-degradation standards. Interagency Wild and Scenic River Council, 2008: *Evaluation of State Water Quality Assessments and the National Wild and Scenic Rivers System, available at: <https://www.rivers.gov/documents/state-water-quality-assessments.pdf>*

##### State Rule Example Applying ONRW to Wild and Scenic Rivers

- Example of state administrative code applying ONRW antidegradation standards to a range of federal lands, state lands, national Wild and Scenic Rivers, state Wild and Scenic Rivers, seashores, refuges, preserves, and forests. *Florida Administrative Code, 62-302.700. Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters, available at: <http://flrules.elaws.us/fac/62-302.700/>*