Outstanding National Resource Water Designation Frequently Asked Questions

What are Outstanding National Resource Waters?

Outstanding National Resource Waters (ONRWs) are waters that receive special protection against degradation under New Mexico's water quality standards and the federal Clean Water Act. They are designated by the Water Quality Control Commission. Waters eligible for ONRW designation include waters that are part of a national or state park, wildlife refuge or wilderness areas, special trout waters, waters with exceptional recreational or ecological significance, and high quality waters that have not been significantly modified by human activities.

What waters are currently designated as ONRWs?

In 2005 and 2006, the Water Quality Control Commission designated New Mexico's first ONRWs. The designated waters are:

- The Rio Santa Barbara (west, middle and east forks) within the Pecos Wilderness; and
- The surface waters within the U.S. Forest Service Valle Vidal Special Management Unit.

What are the benefits of ONRW designation?

ONRW designation provides the highest level of water quality protection. No degradation is allowed in an ONRW, except under limited circumstances. These limited circumstances allow for degradation that is temporary, short term and will ultimately result in restoration or maintenance of the chemical, physical or biological integrity of the ONRW. For example, the maintenance of culverts and bridges, or implementation of a forest health plan are activities that would ultimately improve the chemical, physical or biological integrity of the ONRW, and therefore could be allowed to degrade water quality on a temporary and short term basis.

What are the criteria that make a water eligible for ONRW designation?

Waters eligible for ONRW designation include those that are part of a national or state park, wildlife refuge or wilderness areas, special trout waters, waters designated as wild rivers under the federal Wild and Scenic Rivers Act, waters with exceptional recreational or ecological significance, and high quality waters that have not been significantly modified by human activities.

Who benefits from ONRW designation?

ONRW designation benefits all users of the water, including any downstream users, by protecting against water quality degradation. ONRWs are often headwater streams that ultimately feed municipal drinking water systems and irrigation uses. Additionally, wildlife and aquatic species benefit from ONRW designation because headwater streams provide irreplaceable habitat. If watershed conditions along the ONRW need improvement, designation can help in the prioritization of restoration efforts and associated funding requests.

What is the designation process for ONRWs?

ONRW designations are approved by the Water Quality Control Commission (WQCC) as an amendment to the state's surface water quality standards. The approval process includes widely circulated notice to the public and an opportunity for the public to participate in the process in a full public hearing before the WQCC. After

the hearing, the WQCC makes a determination on the ONRW designation. 20.6.4.9.D NMAC.

What water quality standards apply to ONRWs?

New Mexico's surface water quality standards designate uses for water bodies, set criteria to protect those uses, and establish provisions to preserve water quality. Examples of designated uses are irrigation, wildlife habitat, livestock watering, recreation, municipal and domestic water supply and aquatic life uses. ONRWs are typically subject to the same water quality criteria as other waters with similar designated uses; however, ONRWs receive additional protection aimed at preserving water quality.

Can water quality degradation ever be allowed in an ONRW?

Temporary and short-term degradation may be allowed, but only if it can be shown to result in restoration or maintenance of the chemical, physical or biological integrity of the ONRW. This is the only exception to the strict no-degradation rule. It is intended to allow watershed protection and restoration projects to be implemented where needed in ONRW watersheds even if temporary water quality disruptions occur as a result.

How often is monitoring conducted to determine if water quality is degraded? Does ONRW designation result in increased monitoring?

ONRW designation does not necessarily result in increased ambient water quality monitoring. However, projects that could impact water quality in an ONRW may require monitoring to ensure water quality is not degraded.

How will the State know if water quality is degraded in areas where no baseline water quality is established, such as remote headwater streams or non-perennial waters?

Any data collected subsequent to ONRW designation can be compared to applicable water quality criteria and, as appropriate, to data collected at reference sites elsewhere in the watershed or state.

How are existing land use activities affected by ONRW designation?

Land use activities in existence at the time an ONRW is designated will not be affected so long as they are controlled by best management practices and do not result in new or increased discharges of contaminants to the ONRW. New land uses or activities can proceed if they do not cause water quality degradation in the ONRW. Proposed future activities in the ONRW with the potential to impact water quality would likely be reviewed under existing permitting programs, such as:

- Section 404 permits for discharge of dredge or fill material into a waterway;
- National Pollutant Discharge Elimination System (NPDES) permits; and
- Special-use permits on U.S. Forest Service lands or Bureau of Land Management lands.

How was the ONRW process for wilderness and inventoried roadless areas initiated?

On Earth Day 2008 Governor Bill Richardson announced the state's intention to seek ONRW designation for surface waters within national forest wilderness and inventoried roadless areas in New Mexico. If successful, this will be the third ONRW designation for New Mexico.

What areas are included in the wilderness and inventoried roadless area ONRW initiative?

Waters within wilderness and inventoried roadless areas within the Greater Gila, Lower Canadian, Rio Chama, Upper Rio Grande, Middle Rio Grande, Upper Pecos, and Greater Sacramento watersheds are included in the ONRW initiative.

How many miles of streams are included in the wilderness and inventoried roadless area ONRW initiative?

National forest wilderness and inventoried roadless areas include approximately 5,340 miles of the state's surface waters. Approximately 1,000 miles of these waters are perennial. Greater than 90% of the nominated waters are pristine, unimpaired waters.

How will land management agencies such as the U.S. Forest Service be impacted by ONRW designation?

ONRW designation sets a higher bar for planning and management decisions. The Forest Service will be required to consider whether a permit or project will degrade water quality either on a long-term, or short-term and temporary basis. This evaluation can be done through existing NEPA and permitting activities.

What is the impact of ONRW designation on the cattle industry? How will designation affect existing cattle grazing permits?

Designation should not result in a reduction of grazing activities in place at the time of designation as long as appropriate best management practices are implemented and the activity does not result in new or increased discharges of contaminants to the ONRW. Best management practices include measures such as development of watering stations away from stream banks, fencing of riparian areas, and rotation of cattle. Grazing permit decisions for areas within national forest ONRW areas will continue to be made by the Forest Service under a Memorandum of Agreement with NMED.

What is the impact of ONRW designation on other agricultural uses?

The water used to irrigate farms within many communities flows directly from wilderness and inventoried roadless areas that are nominated for inclusion as an ONRW. The acequia agricultural system, a valuable and traditional way of life for many communities, is dependent on clean water from headwater streams that originate in wilderness and roadless areas within national forests. The protections afforded by ONRW status will help to ensure long term protection of these agriculture water sources.

What is the impact of ONRW designation on forest thinning or controlled burn projects within national forests?

Forest management decisions, such as implementation of controlled burns or thinning projects, will continue to be made by the Forest Service under a Memorandum of Agreement with NMED. Forest management is an integral part of watershed and water quality protection and these activities can be approved in accordance with 20.6.4.8.A(3) NMAC. ONRW designation should not restrict forest thinning or controlled burns as long as appropriate best management practices are implemented and any impacts to water quality are temporary and short term.

What is the impact of ONRW designation on local governments?

The streams nominated for inclusion as an ONRW in the current initiative are generally headwater streams that feed public water supplies and irrigation water sources, and sustain other revenue generating activities. As the state's population grows and demand for clean water increases, the state will continue to see a shift toward surface water supplies. Cities such as Albuquerque, Santa Fe, and Las Vegas are currently diverting or are planning diversions from waters that are downstream of wilderness and roadless areas waters that would be more fully protected by ONRW designation. Protecting municipal supplies at their source helps to keep purification costs low.

What is the impact of ONRW designation on the oil and gas industry?

If an ONRW were to be designated in an area with oil and gas development potential, no degradation of water quality associated with those activities would be allowed. Oil and gas development activities that do not degrade water quality would not be impacted by ONRW designation.