



Fact Sheet

Nomination of Outstanding Resource Waters in Oregon

The purpose of this document is to describe a process through which DEQ will consider nominations for Outstanding Resource Waters and designate them as described in OAR 340-041-0004. This streamlined nomination process will help DEQ to prioritize potential ORW rulemaking projects through the [triennial review](#), while giving the public an opportunity to provide input alongside other water quality standards work.

Background on Outstanding Resource Waters

Under the Clean Water Act, there are three tiers of protection for Oregon waterbodies: 1) impaired waters (waters not meeting water quality standards); 2) high quality waters (waters meeting water quality standards); and 3) "Outstanding Resource Waters."

The Environmental Quality Commission designates ORWs to protect high quality waters that constitute an outstanding state or national resource. Priority waterbodies include those in state and national parks, wilderness areas, and Wild and Scenic Rivers, among others. The EQC designates ORWs through rulemaking and establishes policies to protect those values. Additional information is available on DEQ's Antidegradation and Outstanding Resource Water [web page](#).

ORW nomination process

Members of the public may nominate waters for ORW designation at any time. DEQ encourages the nomination of waters prior to the Water Quality Standards Program's triennial review process, where it will have an explicit process to consider and evaluate nominations. DEQ uses this review process, which includes an opportunity for public input, to prioritize water quality standards work every three years. DEQ's process for considering ORW rulemakings includes the following steps:

1. DEQ will consider the nominations during each triennial review and decide whether an ORW rulemaking is a priority project for that three-year period. Nominations should be sent at least 60 days prior to the beginning of the triennial review to ensure DEQ can provide feedback and the nominating party has time to provide additional information if needed. The next triennial review is scheduled to begin in July 2024. Nominations should be sent to ORW.nominations@deq.oregon.gov by May 1, 2024. DEQ will also let members of the public know about this opportunity by a GovDelivery notice.
2. DEQ will communicate to the nominating party within 60 days whether sufficient information was provided to consider the nomination as a potential WQS project during the next triennial review. If sufficient information wasn't provided, DEQ will communicate insufficiencies to the nominating party and provide a timeline for the project to be considered in the triennial review.

Translation or other formats

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3. DEQ will take comments during each triennial review regarding the ORW nomination(s) received along with other WQS work needs.
4. DEQ will use the triennial review project evaluation criteria to determine if the ORW rulemaking will be included in the next triennial review workplan.

If DEQ determines that a waterbody qualifies as an ORW, but ORW designation is not a priority for that triennial review, the nomination can be resubmitted for the next triennial review.

If DEQ determines that an ORW nomination is a priority during the triennial review, a rulemaking project will be added to the triennial review work plan for the next three year period. The ORW designation rulemaking for a specific nominated ORW water in the triennial review workplan will include developing a fiscal and economic impact statement and a public hearing. The EQC will decide whether or not to designate the waterbody an ORW along with the proposed protection policies as part of its consideration of and action on the rulemaking.

Information to include in an ORW nomination

DEQ does not require a specific format for ORW nominations. Please include the following information in the nomination:

1. Name and contact information of nominating person(s) and organization(s).
2. Description of waterbody and basin, including:
 - Description of the portion of the waterbody or waterbodies nominated for designation, such as "Headwaters to RM 35," or the Wild and Scenic River and all tributaries, etc.
 - A map of the proposed ORW and its watershed.
 - The county or counties in which the proposed ORW and its watershed are located.
3. Outstanding water quality value(s) and characteristics to be protected (example: clarity, temperature, ecological values, critical habitat, recreational values). Include supporting data and information.
4. Information addressing the screening criteria outlined in the following section.
5. Current designations or protections for the waterbody or watershed:
 - a) National or State Park
 - b) National Wild and Scenic River
 - c) State Scenic Waterways
 - d) National or State Wildlife Refuges
 - e) Federally designated wilderness area
 - f) Critical habitat
 - g) Other designation or protection(s)
6. Landowners and managers affected by the protection rules (e.g., Forest Service, BLM, state, tribes, private landowners, etc.), including those both upstream and downstream of the nominated waters.
7. Potential environmental, social and economic benefits and impacts of ORW designation.
8. Outreach efforts done as part of nomination, including to landowners or managers and other affected parties.
9. A list of other groups and/or individuals supporting the nomination, including letters of support.

Screening criteria used to determine if a waterbody qualifies as an ORW

DEQ will use the following information to help determine whether the waterbody qualifies as an outstanding State or national resource. Not all criteria need to be met in order for a water to qualify as an ORW.

1. Does the waterbody have outstanding qualities or features, such as clarity, temperature, unique species, recreational values, or other values that are unique or rare?
2. Does the information in the nomination provide evidence that the waterbody has these values, using best available data and information?
3. Does the waterbody meet water quality standards related to the outstanding values?
4. Does the habitat support wild, native populations, such as rare, endemic or isolated species?
5. Does the waterbody have extremely high quality or highly productive habitat?
6. Does the waterbody provide habitat or other characteristics that are unique, rare, or provide refugia?
7. Does the outstanding habitat support sensitive, threatened or endangered species?
8. Is the waterbody a source for public or private drinking water?
9. Does the waterbody provide a source of food or water for an economically disadvantaged community?
10. Does the waterbody have other designations or protections, such as:
 - a. Located in a National or State Park
 - b. Located in a National or State Wildlife Refuge
 - c. Located in a Federally designated wilderness or roadless area
 - d. Designated a National Wild and Scenic River or State Scenic Waterway
 - e. Designated critical habitat under the Endangered Species Act

Other considerations

Tier 2½ designations. Many states have developed designations that provide additional protections but do not include the full suite of protections and prohibitions associated with ORWs. This may occur where the land use and/or activities are more complex and is frequently called Tier 2½ protection. DEQ does not explicitly include Tier 2½ protection in its antidegradation rule but has provided such protection in the [Three Basin Rule](#). DEQ may consider such protection for certain waters that are nominated for ORW designation, which would be considered and evaluated during the rulemaking process where such a protection may be appropriate.

Impacts of the proposed ORW designation and outreach. ORW nominations should identify potential impacts of ORW designation, including potential positive and negative impacts. DEQ also encourages parties interested in nominating a water to reach out to landowners and managers, tribal governments and other affected parties before submitting the nomination to determine their support or concerns. For any ORW nominations received, DEQ will reach out to affected parties to discuss how DEQ can incorporate their perspectives and ways in which they can engage in the rulemaking process if the ORW nomination is included on the WQS priority project workplan.

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