

**Email from Roy Smith to the RPW for the Animas River regarding a question that came up at the 11/11 meeting:**

The purpose of this e-mail is to share what I've learned with respect to mining and water quality issues in watersheds where a designated Wild and Scenic River exists.

The key question is: Would designation of the river result in any different process or standards applied to NPDES permits located upstream?

Answer: The Colorado Department of Public Health and Environment has a long-term plan for improvement of water quality within the basin. If that agency continues to follow that plan, if dischargers continue to meet current standards, if dischargers continue to implement BMPs, then parties holding NPDES permits should not expect a significant change in standards or process. Specifically, we would not expect new agencies, who have not been previously involved in Animas River water quality issues, to become involved by commenting on NPDES permit applications or renewals.

If a river is designated as a Wild and Scenic River, the main change the parties holding NPDES permits should expect is an even greater commitment by the federal river management agencies in helping resolve water quality issues. This is because the national designation elevates the importance of protecting the river's water quality. First, water quality is specifically identified in Section 1(b) as a value for which all rivers are designated. Second, through Section 12(c), the WSR-administering agency is directed to work with EPA and state water pollution control agencies to eliminate or diminish the water pollution. The Interagency Wild and Scenic Rivers Council further described this role in its technical paper, *WSR Management Responsibility (2002)*:

"Section 12(c) directs the river-administering agency to cooperate with the U.S. Environmental Protection Agency (EPA) and state water quality agencies in addressing water quality concerns in WSRs. Cooperation requires active participation by the river-administering agency in evaluation of existing water quality, identification of limitations, and development of the often long-term strategies necessary to address water quality-related problems."

Since BLM and USFS are already heavily engaged in water quality issues in the Animas River basin, my conclusion is that NPDES discharge permit holders won't see new players at the table. Rather, they would likely see BLM and USFS working even harder to develop strategies, funding sources, collaboration, project approvals, etc. to address water quality issues. It is even possible that a designated river would help attract more funding to help address water quality issues associated with historic mining.

I hope this information helps.

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