



**ASSOCIATION OF  
METROPOLITAN  
WATER AGENCIES**

**LEADERS IN WATER**

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April 21, 2026

Chief Tom Schultz  
Forest Service, U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, D.C. 20250

*Submitted electronically via [www.regulations.gov](http://www.regulations.gov).*

Re: FS-2018-0052: Locatable Minerals Proposed Rule

Dear Chief Schultz:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the proposed revisions to the regulations governing occupancy and use of National Forest System (NFS) lands in connection with prospecting, exploration, development, mining, processing, and reclamation and reasonably incident uses authorized by U.S. mining laws. AMWA is an organization representing the largest publicly owned drinking water systems in the United States. Each of the association’s members typically serves over 100,000 people and members collectively provide clean drinking water to over 160 million Americans. As drinking water providers, AMWA members place immense value on protecting drinking water sources, and many rely on water sources originating on or flowing through NFS lands.

AMWA urges the Forest Service to recognize that local water utilities and water authorities are important stakeholders in the usage of these lands and to carefully consider potential impacts of all mining activities on drinking water sources. NFS lands play a significant role in providing clean, fresh water for local ecosystems and economies and are the single largest source of municipal water supply in the United States, serving over 60 million people in 3,400 communities across 33 States.<sup>1</sup>

<sup>1</sup> <https://www.fs.usda.gov/managing-land/national-forests-grasslands/water-facts>

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This includes major cities such as Los Angeles, Portland, Denver, and Atlanta, along with communities that receive water transferred hundreds of miles through inter-basin transfers. NFS lands are particularly important in the West, where they contribute 46.3 percent of the surface water supply despite making up only 19.2 percent of the total land area.<sup>2</sup> Remediating water supply contamination can be a major cost to a community. When drinking water supplies are disrupted due to contamination, costs are incurred not just by the utility and its rate payers, but also the taxpayers of local, state, and federal units of government that may be involved with the response. The most cost-effective approach is prevention — and this begins with ensuring that operations near drinking water sources receive appropriate scrutiny before they begin.

AMWA recognizes and supports the Forest Service's goals of improving efficiency and transparency in the review of locatable mineral operations. However, the proposed framework for when activities may proceed under an operating notice (rather than requiring a full plan of operations) creates a meaningful risk of harm to drinking water sources. Under the proposed regulations, exploratory or investigative operations that disturb up to five acres of land and 1,000 tons of material may proceed under an operating notice. But the environmental impact of an operation depends heavily on where it occurs, not only on its size. Pollution from even small mining operations, including from sediment runoff into streams, and groundwater infiltration from disturbed soils, can directly contaminate drinking water sources whether or not the operation disturbs more than five acres.

This risk is compounded by the proposed 60-day automatic approval provision for operating notices. Source water protection areas may not be mapped or immediately known to Forest Service reviewers, meaning that operations with significant potential water supply impacts could receive automatic approval without any agency consideration of those impacts. Sixty days is also insufficient time to identify and consult with downstream utilities if the potential for water supply harm is not identified as a required consideration from the outset.

The protections provided by the plan of operations framework are exactly why the threshold for triggering this requirement are so important. The requirements for what must be included in a plan of operations are well designed to protect drinking water sources, and AMWA requests that the requirements to assess impacts of activities on both surface and groundwater remain in the final rule. AMWA also appreciates that operators must provide a reclamation plan addressing surface runoff and must post financial assurance to fund reclamation work.

AMWA therefore recommends incorporating an explicit criterion in §228.4(c) for *operations on NFS lands within a delineated source water protection area for a public water system, as defined under a state source water assessment program pursuant to section 1453 of the Safe Drinking Water Act.*

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<sup>2</sup> Liu, Ning et al. 2022. Quantifying the role of National Forest System and other forested lands in providing surface drinking water supply for the conterminous United States. Gen. Tech. Rep. WO-100. Department of Agriculture, Forest Service, Washington Office. <https://doi.org/10.2737/WO-GTR-100>.

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This would ensure that operations in source water protection areas are subject to the more rigorous review that a full plan of operations provides. AMWA does not believe this would undermine the Forest Service's efficiency goals as source water protection areas are generally delineated and mapped in advance under state source water assessment programs required by the Safe Drinking Water Act, and this concern can be raised during the required pre-submittal meeting. The Forest Service should also consider encouraging pre-submittal coordination between operators and local water utilities when operations are proposed within or adjacent to source water protection areas.

AMWA appreciates the Forest Service's efforts to modernize and improve the efficiency and transparency of locatable mineral regulation on NFS lands. We urge the Agency to ensure that the final rule explicitly includes consideration of drinking water source impacts as a criterion for requiring a full plan of operations under §228.4(c). Doing so would protect the communities that depend on these lands for their water supply while remaining consistent with the efficiency objectives the proposed rule seeks to achieve.

Thank you for the opportunity to comment on this issue. If you have any questions about these comments, please contact Liz Jordan, AMWA's Manager of Sustainability and Resilience Policy, at [jordan@amwa.net](mailto:jordan@amwa.net).

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Dobbins".

Tom Dobbins  
Chief Executive Officer