164

Cherokee Forest Voices

1101 Antioch Road
Johnson City, Tenn 37604

April 19,2000

Mike Dombeck, Chief
USDA Forest Service
Content Analysis Enterprise Team
UFD Building 2 Suite 295
5500 Amelia Earhart Drive
Salt Lake City, Ut. 84116

Re: Comments on Proposed Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource

These are the comments of Cherokee Forest Voices. Thank you for the opportunity to comment. Please send us copies of the final policy and supporting documents when they have been finalized.

Sincerely,

Catherine Murray

Catherine Murray
Cherokee Forest Voices
1101 Antioch Road
Johnson City, Tenn. 37604

CAET RECE
APR 26 2000

Proposed Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource

GENERAL COMMENTS :

1. *This policy sounds like election-year posturing. As currently written it is a "feel good" statement of nice-sounding phrases that have no connection with actually doing anything concrete.*

2. *There are lots of signatories but it does not assign responsibility for doing anything to any party in concrete terms. To be implemented the policy should assign responsibility for actions.*

3. *It does not allow for enforcement. Note the final paragraph. Concrete responsibilities for assuring compliance with the policy should be delineated. This is particularly important when there are so many parties involved.*

4. *This proposed unified federal policy supposedly is carried out under the terms of the CLEAN WATER ACTION PLAN. As we read that plan, it gives to the States the responsibility of taking the lead to prepare a single Unified Watershed Assessment, which include some of the tasks that are assigned to the federal agencies under the Unified Federal Policy. The responsibilities of the States and federal agencies should be clarified.*

5. *According to the CLEAN WATER ACTION PLAN, the federal agencies are to provide guidance and technical assistance for unified watershed assessments. It is not clear what the role of the States should be in making the Unified Federal Policy work. To us it looks like both the States and the Federal Agencies are supposed to both take the lead and to cooperate. The responsibilities of the States and federal agencies should be clarified.*

6. *If the Unified Federal Policy is part of the CLEAN WATER ACTION PLAN, it should be implementing the Clean Water Act (Federal Water Pollution Control Act of 1972). That focus is on clean water. As is pointed out below, the main focus of the proposed policy is on clean water. However, there are some other aspects of watershed management are alluded to in the Unified Federal Policy. What is not clear is what basis is used for including other aspects of watershed management in the Unified Federal Policy. Those other aspects are important, and certainly should be included in management decisions about federal watersheds in some way. It should be clarified what the scope of the Unified Federal Policy is regarding aspects of resource management.*

CAF RECEIVED
APR 26 2000

AGENCIES HAVE PROGRAMS UNDER WAY AND WHICH NEED TO ESTABLISH PROGRAMS.

The following policy has two goals: use a watershed approach to prevent and reduce water pollution resulting from Federal land and resource management activities; and accomplish this in a unified and cost-effective manner. **COMMENT: IN OUR GENERAL COMMENTS WE NOTED THE FOCUS OF THE CLEAN WATER ACTION PLAN ON CLEAN WATER. WE HAVE ALSO NOTED THE NEED TO INCLUDE OTHER ASPECTS OF GOOD WATERSHED MANAGEMENT IN COORDINATED FEDERAL PLANNING. WHETHER ACOMPLISHED THROUGH THE UNIFIED FEDERAL POLICY OR THROUGH MANAGEMENT PLANNING BY THE FEDERAL LAND MANAGERS, THESE ADDITIONAL DIMENSIONS TO WATERSHED MANAGEMENT SHOULD BE INCLUDED IN ASSESSMENTS AND PLANS. ADDITIONAL GOALS SHOULD INCLUDE RECREATION USES, AQUATIC SPECIES CONSERVATION, ADEQUATE IN-STREAM FLOW, NETWORKS OF REFUGIA, CRITICAL HABITAT FOR THREATENED & ENDANGERED SPECIES, HABITAT FOR OTHER RIPARIAN-ASSOCIATED SPECIES, GROUND WATER RECHARGE, RESTORATION OF IMPAIRED WATERS, AND PROTECTION OF MINIMALLY IMPACTED STREAMS.**

To develop a unified Federal policy that meets these two goals, we incorporated the following guiding principles:

- 1. Use a consistent and scientific approach to managing Federal lands and resources and to assess, protect, and restore watersheds. **COMMENT: WE SUPPORT.**
- 2. Identify specific watersheds in which to focus our budgetary and other resources and accelerate improvements in water quality and watershed condition. **COMMENT: WE SUPPORT.**
- 3. Use the results of watershed assessments to guide planning and management activities in accordance with applicable authorities and procedures.
- 4. Work closely with States, Tribes, local governments, and stakeholders to implement this policy.
- 5. Meet our Clean Water Act responsibility to adhere to Federal, State, Tribal, interstate, and local water quality requirements to the same extent as non-governmental entities. **COMMENT: THIS SHOULD BE REWRITTEN TO CLARIFY THAT THIS DOES NOT LIMIT FEDERAL AGENCIES TO THE LOWEST ACCOMPLISHMENTS BY NON-GOVERNMENTAL BODIES.**
- 6. Take steps to ensure that Federal land and resource management actions are consistent with Federal, State, Tribal, and, where appropriate, local government water quality management programs. **COMMENT: AS NOTED IN OUR GENERAL COMMENTS, THIS COULD RESULT IN INCONSISTENT POLICIES AND ACTIONS BY FEDERAL AGENCIES IN DIFFERENT STATES AND LOCALITIES.**

2. AGENCY OBJECTIVES

CAET RECEIVED
APR 26 2000

designated as priorities by State and Tribal Unified Watershed Assessments.

- **2. We will use a watershed management approach when protecting and restoring watersheds.**

  - 1. *We will work collaboratively to identify priority watersheds.*
    - 1. We will work with States, Tribes, local governments, and interested stakeholders to identify specific watersheds with significant Federal lands and resources as priorities for protection, management, and improvement.
    - 2. We will identify priority watersheds based on factors that include:
      - (1) The percentage of the watershed under Federal management;
      - (2) Issues the Federal agencies identify, including possible adverse effects on water quality;
      - (3) Magnitude of water quality impairment, impacts to aquatic resources, and/or changes to flow regime;
      - (4) State and Tribal Unified Watershed Assessments;
      - (5) Vulnerability of the watershed to degradation; and
      - (6) The extent of public interest.

  - 2. *We will develop a process and guidelines for identifying and designating waters or watersheds on Federal lands that may have significant human health, public use, or aquatic ecosystem values and a need for special protection.* **COMMENT: THIS POINT NEEDS ELABORATION TO CLARIFY THE MANY DIMENSIONS NOTED.**

  - 3. *We will implement pollution prevention and controls, consistent with applicable legal authorities.* **COMMENT: WE BELIEVE THE POINTS BELOW SHOULD FURTHER ELABORATE ON MEASURES AIMED AT PREVENTION OF IMPACTS. THE GOAL SHOULD BE TO PREVENT IMPACTS TO ALL RIPARIAN VALUES, NOT JUST LIMITED TO WATER QUALITY.**
    - 1. We will address nonpoint and point source pollution from Federal land management activities, protect or improve water quality, and meet applicable State and Tribal water quality requirements under the Clean Water Act.
    - 2. We will work with States, Tribes, and, as appropriate, local governments to address nonpoint sources of pollution by:
      - (1) Identifying best management practices (BMPs) and management strategies that meet Federal, State, and Tribal water quality requirements;
      - (2) Adjusting BMPs when monitoring reveals that they do not adequately protect water quality; and
      - (3) Mitigating impacts when implementation of BMPs results in unexpected adverse water quality impacts.

CAET RECEIVED
APR 26 2000

preventing and controlling water pollution. **QUESTION: HOW WILL THIS BE ACCOMPLISHED?**

- 2. *We will integrate water quality standards and watershed management goals.* **COMMENT: THE INTEGRATION OF WATER QUALITY AND OTHER WATERSHED MANAGEMENT GOALS IS NOT DEALT WITH BELOW. IT STILL ONLY FOCUSES ON WATER QUALITY ISSUES.** We will work collaboratively to clarify relationships under the Clean Water Act among BMPs, TMDLs, and State and Tribal water quality standards to achieve the following goals:
  - 1. Better coordination of watershed goals and objectives;
  - 2. Better sharing of scientific and technical resources;
  - 3. Water quality standards that better account for nonpoint source pollution;
  - 4. Better implementation mechanisms for meeting standards under the Clean Water Act, including practical interim measures where standards are not immediately achievable; and
  - 5. Consistent treatment of Federal and non-Federal entities as required by the Clean Water Act.

- 3. *We will review our policies and processes that may affect land and water uses and water quality.* In cooperation with States and Tribes, we will review our policies and processes for land and water uses that may affect water quality and watershed condition. We will consider revising these policies or processes, as appropriate, to ensure that they address watershed protection, improvement, monitoring, and water quality compliance. **COMMENT: THIS IS NEBULOUS. IT MAKES NO COMMITMENT TO DO ANYTHING. THIS PARAGRAPH NEEDS TO BE MADE MORE SPECIFIC ABOUT WHAT ACTIONS WILL BE UNDERTAKEN.**

- **4. We will enhance collaboration. COMMENT: SEE GENERAL COMMENTS ABOVE ABOUT THE CONFLICT INHERENT COLLABORATION ON A LOCAL LEVEL WITH ACHIEVING A UNIFIED APPROACH NATIONALLY.**

  - 1. *We will improve cooperation among Federal agencies.* We will develop a common framework for addressing water quality and aquatic ecosystem issues for watersheds at the national, regional, State, and Tribal levels. **QUESTION: HOW WILL THIS BE ACCOMPLISHED?**

  - 2. *We will improve cooperation with States, Tribes, and local governments.* We will develop formal agreements as appropriate with States, Tribes, and local governments to clarify responsibilities for watershed management. These agreements will seek a watershed-based approach for preventing or reducing pollution from point and nonpoint sources. **QUESTION: HOW WILL THIS BE ACCOMPLISHED?**

CAET RECEIVED

APR 26 2000

164

Tennessee Valley Authority

Army Corps of Engineers

CAFL RECEIVED
APR 2 6 2000