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SOUTHERN APPALACHIAN FOREST COALITION

46 Haywood Street, Suite 323
Asheville, NC 28801

April 24, 2000

USDA Forest Service
CAET, Attn. UFP
5500 Amelia Earhart Drive
Building 2, Suite 295
Salt Lake City, UT 84116

Re: Comments on Unified Federal Watershed Policy

Dear Sirs:

Please find below the comments of the Southern Appalachian Forest Coalition on the draft Unified Federal Policy for Assuring a Watershed Approach to Federal Land and Resource Management. We support the general direction outlined by this draft policy, but we include many suggestions in our comments for improving the policy.

Additional comments may be submitted by the individual groups that comprise the Southern Appalachian Forest Coalition.

Thank you for the opportunity to comment.

Please send us copies of the final policy and supporting documents when they have been finalized.

Sincerely,

/s/ JAMES E. LOESEL

James E. Loesel, for SAFC

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Cc: Mike Dombeck, Chief
James Furnish, Deputy Chief
Elizabeth Estill, Regional Forester
SA Forest Supervisors

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PROPOSED UNIFIED FEDERAL POLICY FOR ENSURING A WATERSHED APPROACH TO FEDERAL LAND AND RESOURCE MANAGEMENT

GENERAL COMMENTS BY THE SOUTHERN APPALACHIAN FOREST COALITION:

1. As currently written the policy is a "feel good" statement of nice-sounding phrases that have no connection with concrete actions. Without implementation plans, timelines, and links to regulatory provisions, the policy will not result in improved aquatic resource conditions.

2. There are many signatories but the policy does not assign responsibility to any party for taking action 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 restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. 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. It is not clear the basis for including other aspects of watershed management in the Unified Federal Policy. Those

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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.

7. **There is an inherent conflict between unifying for watershed assessment and management on a State basis and a unified policy among all federal agencies across the country. The federal agencies may have a unified approach among themselves (although that is highly unlikely) across the entire country, or they can coordinate their policies to unify with each State, but they cannot do both. It should be clarified what the basis for unification will be in the Unified Federal Policy.**

8. **The proposed planning regulations for the Forest Service call for assessments that are specific to the Forest Service planning process. The relationship of those assessments to the assessments called for in the Unified Federal Policy should be clarified. We do not support making those Forest Service assessments part of either the State-led assessments or part of unified federal assessments if it would result in further delay in conducting the Forest planning assessments. Will it be necessary to coordinate with everyone else before conducting those assessments?**

9. **Specific comments on the text will be included in CAPITALS.**

INTRODUCTION

The goal of the Clean Water Action Plan is to accelerate the progress this Nation has made in improving the quality of its waters since the passage of the Federal Water Pollution Control Act of 1972, as amended (commonly referred to as the Clean Water Act). Federal agencies manage large amounts of public lands throughout the country. In the interest of protecting water quality, the Clean Water Action Plan announced the intention of Federal agencies to adopt a policy that will reduce water pollution from Federal activities and foster a unified, watershed-based approach to land and resource management. Implementation of the following proposed policy will improve water quality and aquatic ecosystems on Federal lands and will further the use of a watershed approach to Federal land and resource management activities.

1. POLICY GOALS

We, the Federal agencies who have signed this policy, are committed to managing the Federal lands, resources, and facilities in our care as models of good stewardship and effective watershed management.

COMMENT: WE SUPPORT MANAGING FEDERAL LANDS AS A MODEL OF GOOD STEWARDSHIP.

We recognize that existing programs for watershed protection and improvement are currently underway and are producing positive results. This policy will enhance these programs by improving consistency among Federal agency programs. We recognize that those agencies

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without established programs will face an additional challenge to implement this policy and that the pace and level of implementation will vary by agency. We seek to build on current efforts to achieve consistency. **COMMENT: IT WOULD BE USEFUL TO SPECIFY WHICH 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. WE SEE THE NEED FOR AN EXPLICIT SET OF SCIENTIFIC PROTOCOLS FOR USE NATIONWIDE.**
- 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. WE SUGGEST EXPLICITLY STATING THE ECOLOGICAL AND SOCIAL FACTORS FOR DETERMINING PRIORITIES.**
- 3. Use the results of watershed assessments to guide planning and management activities in accordance with applicable authorities and procedures. **COMMENT: WE SUPPORT. THIS HELPS ENSURE THE FIRST GUIDELINE IS ACTUALLY CONNECTED TO MANAGEMENT DECISIONS.**
- 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. FEDERAL**

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AGENCIES SHOULD LEAD THE NATION IN IMPLEMENTING THE CLEAN WATER ACT.

- 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

To accomplish these policy goals, we propose to use available resources and authorities to pursue the following objectives. All agencies will implement this policy as individual agency laws, missions, and fiscal and budgetary authorities and resources permit.

- **1. We will develop a common science-based approach to watershed assessment for Federal lands.**
    - 1. *We will develop consistent procedures for delineating, assessing, and classifying watersheds.* **COMMENT: THIS COULD BE THE MOST SIGNIGICANT ACTION THAT CAN ACTUALLY BE ACCOMPLISHED BY FEDERAL AGENCIES. WE STRONGLY SUPPORT.**
        - 1. We will work together to define and implement interagency guidelines for the delineation of watershed and sub-watershed hydrologic unit boundaries.
        - 2. Building on current efforts, we will develop and test watershed assessment procedures in watersheds that have been delineated using the interagency guidelines.
        - 3. Watershed assessments will determine existing and potential conditions of watersheds that involve Federal lands and resources. We will provide the results of these assessments to States and Tribes for their use in refining their Unified Watershed Assessments.
        - 4. We will develop a framework for classifying the condition of watersheds with significant Federal lands and resources. **COMMENT: A TIME FRAME FOR ACCOMPLISHING THESE PROCEDURES SHOULD BE INCLUDED.**
    - 2. *We will conduct watershed assessments for watersheds that have significant Federal lands and resources.*
        - 1. Using cooperatively developed procedures and recognizing current agreements, we will assess the effect of our current and past actions **COMMENT: CLARIFY TO INCLUDE ACTIONS BY PREVIOUS LAND MANAGERS** on the condition of watersheds with significant Federal lands and resources in cooperation with States, Tribes, local governments, and interested stakeholders.

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- 2. Before conducting assessments, we will develop schedules for assessments in priority watersheds and identify needed resources to assess all identified watersheds.
- 3. We will conduct assessments in priority watersheds on a 10-year cycle, unless a different cycle better demonstrates changes in a particular watershed's condition over time. **COMMENT: PLANNING REQUIREMENTS FOR LAND MANAGERS MAY NEED TO BE RECOGNIZED.** We will conduct assessments in other watersheds on a planned, periodic cycle. **COMMENT: A TIME FRAME SHOULD BE SET FOR THESE OTHERS AS WELL.**
- 4. We will use watershed assessments, where available, to protect Federal lands and resources, to improve management, and to assist State, Tribal, and local government protection and restoration efforts in watersheds 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. HOW WILL "SPECIAL PROTECTION" RELATE TO THE LEVEL OF PROTECTION ANTICIPATED BY THE "TIER 3" PROTECTIONS OF THE ANTI-DEGRADATION POLICY?**

  - 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**

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IMPACTS TO ALL RIPARIAN VALUES AND FUNCTIONS, 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 **OR EXCEED** 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.

- 4. *We will improve watershed conditions through restoration and adaptive management.* We will work with States, Tribes, local governments, and interested stakeholders to improve the condition of priority watersheds. Changes in management strategies and restoration efforts will focus on watersheds where Federal land and resource management activities can meaningfully influence water quality and aquatic resources. **COMMENT: WE SUPPORT. HOW WILL THIS BE ACCOMPLISHED?**

- 5. *We will base watershed management on good science.* We will use good scientific information from research and management experience in designing and implementing watershed planning and management programs, and setting management goals (e.g., desired conditions). To expand current knowledge, we will collaborate to identify research needs and contribute to or sponsor research, as appropriate. **COMMENT: WE SUPPORT AS A GENERAL STATEMENT. HOW WILL THIS BE ACCOMPLISHED? LANGUAGE SHOULD BE ADDED TO CLARIFY HOW A COMMON DECISION FRAMEWORK WILL BE DEVELOPED THAT INCORPORATES THE SCIENCE INTO PLANS AND PROGRAMS THAT MAY AFFECT WATER QUALITY AND AQUATIC ECOSYSTEMS .**

- 6. *We will identify and incorporate watershed management goals into our planning, programs, and actions.* We will periodically review and amend, as appropriate, policies and management plans for Federal lands and resources to meet goals for watershed protection and improvement. We will incorporate adaptive management principles into our programs. Our watershed goals will seek to minimize adverse water quality impacts due to ongoing and future management programs, minimize impairment of current or future uses, and restore watersheds where State and Tribal water quality requirements under the Clean Water Act are not achieved. **COMMENT: THE WATERSHED GOALS ALSO SHOULD**

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SEEK TO *MAXIMIZE* WATER QUALITY IMPROVEMENT AND TO *MAXIMIZE* FUTURE BENEFICIAL USES.]

- 7. *We will help States and Tribes develop science-based total maximum daily loads (TMDLs).* We will develop a coordinated approach for assisting and supporting State and Tribal efforts to develop and implement TMDLs in watersheds with significant Federal land and resource management activities. We will provide technical assistance, tools, and expertise. We will use TMDL results in watershed planning and subsequent resource management activities to meet applicable State and Tribal water quality requirements under the Clean Water Act. **COMMENT: WE SUPPORT. WE SUGGEST ADDING PROVISIONS FOR DEVELOPMENT OF DIRECTION THAT SHOULD APPLY PRIOR TO TMDL DEVELOPMENT.**

- **3. We will improve our compliance with water quality requirements under the Clean Water Act.**

  - 1. *We will review agency policies to improve compliance with water quality requirements.* We will identify and review our rules, policies, and procedures that affect water quality or watershed condition for compliance under the Clean Water Act with applicable Federal, State, Tribal, interstate, and local requirements for 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

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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?**

    - 3. *We will expand opportunities for participation by interested stakeholders.* We will seek participation by interested stakeholders in watershed planning and management decisions using available mechanisms in existing planning processes. We will:
        - 1. Identify specific opportunities for review and comment by interested stakeholders during Federal land and watershed planning efforts;
        - 2. Provide opportunities for interested stakeholders to participate in monitoring and assessing watershed conditions and in implementing watershed restoration projects; and
        - 3. Seek early feedback on key decisions affecting watershed management through the Watershed Forum process called for in the Clean Water Action Plan and carefully consider this feedback in agency decision making.

    - 4. *We will expand opportunities for dialogue with private landholders.* In priority watersheds with a mix of Federal and private lands, we will work with private sector landholders to involve them in the watershed management process. We will work closely to ensure that Federally funded projects involving private cost-share partners fully consider watershed management objectives for both public and private lands. **QUESTION: HOW WILL THIS BE ACCOMPLISHED?**

    - 5. *We will coordinate monitoring.* We will develop and implement a coordinated monitoring and evaluation approach and will monitor water quality trends and our management activities to determine whether progress is being made in protecting

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and improving water quality. **QUESTION: HOW WILL THIS BE ACCOMPLISHED?**

- 6. *We will share training, information, and resources.* To promote collaboration and consistency in watershed management practices, Federal agencies will continue, expand, develop, implement, and make available joint training programs; share information and resources; transfer technologies for watershed management; and develop a common way to organize and present information and make it more accessible. **QUESTION: HOW WILL THIS BE ACCOMPLISHED?**

This policy does not create any right or benefit, or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. This policy does not alter or amend any requirement under statute, regulation, Executive Order, or OMB or EPA guidance.

Department of Agriculture	Department of Commerce
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Tennessee Valley Authority	Army Corps of Engineers

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