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April 17, 2000

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

Re: Proposed Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management. NMGF Doc. No. 7000

Dear Sirs:

The New Mexico Department of Game and Fish (Department) has reviewed the Proposed Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management (Policy). According to the scoping Fact Sheet, the Policy is intended to promote a unified approach to better watershed management to protect water quality and aquatic ecosystem health on federal lands. We provide a brief background of the Policy goals and our comments on the Policy proposal and the Clean Water Action Plan.

Background

The Policy proposes to coordinate and initiate a "watershed approach" among federal agencies for implementing natural resource management efforts on federal lands. A watershed-scale approach will focus federal agency efforts on identified high priority watersheds to maximize the potential for overall improvement and protection of priority watersheds.

Primary goals of the Policy are: 1) assessing the function and conditions of watersheds; 2) incorporating watershed goals in planning; 3) enhancing pollution prevention and meeting Clean Water Act responsibilities; 4) identifying priority watersheds to focus budgetary and other resources; 5) monitoring and restoring watersheds; 6) the use of consistent scientific methodologies for assessment and restoration activities; 7) better coordination among federal agencies within the context of current programs and authorities;and 8) enhancing collaboration with States, Tribes, local governments and

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interested stakeholders in efforts to protect and improve water quality consistent with applicable laws and regulations.

The Policy is designed only for Federal lands managed by Federal agencies that sign the final policy. Most of the Federal lands that will be affected are in the western United States, primarily managed by the U.S. Forest Service and Bureau of Land Management. The Fact Sheet states that the Policy could affect up to 40 percent of watersheds in the U.S.

The Policy will not affect water rights or other currently applicable laws, procedures or regulations creating or determining water rights.

Comments

The Department welcomes the proposed watershed evaluation and restoration efforts based on consistent scientific methodologies. The Department is concerned about riparian, aquatic and wetland habitats because they are essential for the survival of a majority of the species of wildlife found in the state. In New Mexico, the quality (NMWQCC 1992) and quantity (Dahl 1990; Hink and Ohmart 1984) of these habitats have been significantly diminished or degraded. Of the 867 species of vertebrates known to occur in New Mexico, 479 (55%) rely wholly or in part on aquatic, wetland or riparian habitat for their survival. Fifty-one of the 96 species that are listed by the state as threatened or endangered are associated with these habitats (NMGF 1997).

Current watersheds conditions in New Mexico provide compelling evidence for the need for additional efforts at assessing and restoring impaired watersheds. The New Mexico Water Quality Control Commission's Year 2000 Clean Water Act Section 305(b) report (NMWQCC 2000) to the U.S. Congress states:

> From a total of over 5,875 perennial stream miles, almost 3,080 assessed miles, or 52%, have some level of threatened or impaired designated or attainable uses while 124,140 out of a total of 148,883 lake acres, or 83%, do not fully support designated uses. Of the river miles that are impaired, designated uses in 1,247.45 river miles were partially supported; in 1,427.7 river miles, pollution was such that one or more designated uses were not supported.
>
> Estimates by the United States Forest Service (USFS) based on comparing the extent of hydric soils in the State to the extent of present wetlands show that New Mexico's wetlands, which currently total approximately 481,900 acres, have been reduced over 33% since the 1780s. Due to these historical trends, point and nonpoint pollution and drainage, all wetlands are considered threatened in New Mexico.

Of 66 species of native fishes known to have occurred historically in New Mexico, 11 species are extirpated or extinct, and 23 species are listed as threatened or endangered under New Mexico's Wildlife Conservation Act. Causes of surface water quality degradation that contribute to the decline of New Mexico's native riverine fish fauna include loss of critical riparian habitats, streambank destabilization, and siltation.

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Nonpoint source pollution is responsible for 96% of the impairment of New Mexico's streams (Propst 1999, p.3).

The development of a Unified Federal Policy for Watershed Management was one of the key "action items" outlined in the Clean Water Action Plan: Restoring and Protecting America's Waters, developed primarily by the U.S. Environmental Protection Agency and Department of Agriculture in conjunction with other federal agencies (USEPA 1998). Page 32 of the Plan states:

> Federal agencies will develop a unified policy that provides a framework to ensure that federal land and resource management activities demonstrate water quality stewardship and ensure the health of aquatic ecosystems on federal lands. This policy will ensure a watershed approach to federal land and resource management that emphasizes assessing function and condition of watersheds, incorporating watershed goals in planning, enhancing pollution prevention, monitoring and restoring watersheds, recognizing waters of exceptional value, and expanding collaboration with other agencies, states, tribes and communities. This policy will address consistency and compliance with state and tribal (water quality and pollution prevention) programs as required by federal laws, including the Clean Water Act, Safe Drinking Water Act...

The Department strongly supports the development of the Clean Water Action Plan and the implementation of the action items, in particular the Unified Federal Policy for Watershed Management. Implementation of the Policy will allow federal agencies to more efficiently coordinate with states and tribes and to better protect and restore watersheds under their jurisdiction. A watershed approach coordinated across political boundaries with all involved stakeholders is the only effective means to foster better watershed management.

However, we believe the policy should more clearly define and emphasize the respective working relationships and responsibilities of the states, tribes and federal agencies for meeting the regulatory requirements of the Clean Water Act (CWA). The fact that states and tribes have regulatory authority over implementation of the CWA and development and enforcement of water quality standards was briefly discussed and acknowledged in the introductory comments of the Policy. Each state has its own different water quality standards and methods for developing Total Maximum Daily Load (TMDL) documents. Therefore, if the goal of federal agencies is to assist states and tribes in developing TMDL's and implementing Best Management Practices (BMPs), federal agencies will need to understand and implement each individual state's watershed assessment approach and Quality Assessment/Quality Control (QA/QC) plan, so that the data collected are consistent with that state's regulatory requirements.

As a first step toward meeting this coordination challenge faced by states and federal agencies, in 1999 Department personnel attended the National Review of T-WALK (Thalweg-Watershed Area Link), which is a watershed assessment methodology developed by the U.S. Forest Service's Region 2. T-WALK was developed as a standard methodology for federal agencies to use when assessing watersheds, and the meeting discussed conceptual and technical competencies of the approach. In addition to the

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jurisdictional challenges, T-WALK was found to have many weaknesses and flaws in assessing the physical, biological and chemical integrity of the nation's waters. The review ended with the recommendation that federal agencies develop an "umbrella document" that outlines a general defensible approach to assessing watersheds, but would leave the choice of what technical tools to use to the specific federal land management agency. This document should be accompanied with the major recommendation that federal agencies consult with state and tribal agencies prior to any watershed assessments so that the data would be consistent with individual state's Clean Water Act requirements. There are many other effective methods available for assessing watershed characteristics that would preclude the additional efforts necessary to perfect T-WALK. The Department recommends that the Policy consider these other methodologies.

The Department appreciates the opportunity to comment on the Policy. If you have additional questions regarding our comments, please contact Mark Watson, Habitat Specialist of my staff at (505) 827-1210 or mwatson@state.nm.us.

Sincerely,

Tod W. Stevenson

Tod W. Stevenson, Chief
Conservation Services Division

TWS/MLW/CNM

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