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U.S.D.A. Forest Service

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Unified Federal Policy for Ensuring Watershed Approach to Federal Land and Resource Management
Federal Register: February 22, 2000 (Volume 65, number 35)
Notices, page 8834-8840, volume 65, number 35, page 8833-8839

Comments. Review of the Department of Interior secretary Bruce Babbitt and U.S.D.A. Secretary Glickman's announcement of the unified federal policy for ensuring a watershed approach to federal land and resource management falsely leads the reader to believe this policy only applies to federally managed land and resources. This proposed policy potentially impacts all private, state, and local governments lands.

With terms such as "significant" and "resources" left undefined, within this document, federal agencies could potentially delineate every watershed with a wetland, migratory bird or endangered species within its boundaries

Unified Federal policy for ensuring a watershed approach to Federal Land and Resource Management. Once watersheds are delineated, (some 20,000) by some federal agencies are to access the existing and potential condition of watersheds and classify them. Note; "Clean water or other natural resource goals" are not outlined in the document. In fact under point number 2 (6), the document states that states that management goals will be identified and incorporated into watershed management plans, programs and actions at a later date.

2(5) Furthermore, point 2(5) of the plan states that watershed assessments and management will be based of good science, but goes on in "Glossary of Terms" to say that "assessment will be conducted using existing data, where available" and "data gap may suggest collection of additional data."

E.P.A.'s assessment of water quality to date, has nothing or has been anything but good science. In 1993 an E.P.A. report led Congress in to believe that agriculture polluted 70% of the nations streams, In other 1999 documents, E.P.A. states that 40% of U.S. waterways are still polluted.and 60% of the pollution comes from agriculture and urban non point sources. But E.P.A.'s own actual data supports neither of their statements. The data used to justify regulating Animal Feeding Operations (AFO's) show that only 693,915 miles of 3.6 million miles of streams in America or 19.3% were surveyed. Of those 693,905 miles of surveyed stream, only 14,075 miles, or 2%, had major problems due to livestock. It must be remembered however, that even this data is suspect because most surveying occurs in areas where problems were thought to be likely, and 2.2% of the data came from the State of Mississippi.

The prevention and controls outlined include the establishment of total, maximum Daily Loads (T.M.D.L.'s) and Best Management Practices (B.M.P.'s). While this rule states that is will implement these actions in a manner consistent with legal authorities, it qualifies this statement by using the term "applicable legal authorities" and does not limit these authorities to the statutes passed by Congress and signed by presidents past and present. The proposed rule does not acknowledge the fact the Clean Water Act explicitly exempts non-source pollution from regulation and that Federal Agencies have no legal authority to implement

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T.M.D.L.'s and B.M.P.'s. It ca only be assumed that this section of the Clean Water Act is not considered "applicable legal authority"

Also under the T.M.D.L. regulation, the term "pollution" is redefined to include any hydrologic modification. In other words, any diversion of water pursuant to an established water right could be considered pollution.

The establishment of T.M.D.L. will likely result in the permitting of all activities within a watershed that don't meet the standards to be established, by the E.P.A.. Cost to small businesses could be astronomical, as shown by American Farm Bureau Federation's analysis of the E.P.A.'s January 1999 Unified National Strategy for animal feeding operations. Under these regulations all 450,000 farms and ranches with livestock will have to be permitted or have Comprehensive Nutrient Management Plans "to ensure they do not pollute water resource above and below ground by the year 2008. Farm Bureau estimates the average cost of developing these plane will be $50,000 per farm with larger operations exceeding $100,000.

The Vice President: Clean Water annotation also states that the million miles of buffer strings protection water from agriculture runoff will be put in place by the year 2002. There are three million miles of rivers and streams in the United States currently owned by the federal government. This directive could mean every river and stream in America crossing private and state land will have a buffer zone placed around it. Also too provide habitat for endangered species, fish and wildlife.

I hereby submit the above comments.

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Signed
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