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Unified Federal Policy on Watershed Management
Federal Register: Feb 22, 2000 Volume 65,
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Comments:

The Clean Water Action Plan represents one of the single greatest threats to private property ~~Rights~~ Ownership, Federal land management and water rights use in this nation. The stated purpose of the CWAP is to "chart the course toward "fishable and swimmable waters for all Americans". The result of the CWAP is a wholesale change in federal, state and private management of water and land

CWAP expands EPA's authority under the Clean Water Act and the E.P.A.'s control over Bureau of Land Management and Forest Service Lands.

Clean Water Act versus Clean Water Action Plan.

The C.W.A.P. contains 111 "Key Actions" affecting all federal agencies, State and Local Government and private land and water rights owners. The "Key Actions" govern everything from

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Placing serious burdens on "impaired Watersheds" to mandating Forest Service Road Closures, to requiring additional procedures for "B.L.M." Bureau of Land Management livestock grazing permit renewals, to governing air emissions to mandating the development of the Confined Animal Feeding operations (CAFO) and animal feeding operation (AFO) strategies.

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 TMDL's and BMP's (Total Maximum Daily Loads) and Best Management Practices) It can 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 re-defined to include hydrological 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 result in the permitting of all activities within a watershed that do not meet the standards established by the E.P.A. Cost to small business could be astronomical as established by the American Farm Bureau Federations analysis of the E.P.A.'s

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January 1999 Unified Strategy for animal feeding operations. Under these regulations all 450,000 farms and ranches with livestock will have to be permitted or have a Comprehensive Nutrient Management Plan to ensure they do not pollute the water resource above or below ground. By the year 2008, Farm Bureau estimates the average cost of developing these plans will be $50,000 per farm with larger operations exceeding $100,000.

Riparian / Conservation Buffers.

The Clean Water Action Plan defines buffers as "strips of land that are maintained in permanent vegetation and designed to intercept pollutants before they reach rivers, streams and lakes. C.W.A.P. at 50 by year 2002, the U.S.D.A. "will establish two million miles of conservation buffers on [Private] agriculture lands. There are three million miles of rivers and streams in the United States currently zoned by Federal Government. This directive could mean every river and stream in America crossing private land and state land will have a buffer zone planted around it. Also to provide habitat for endangered species, fish and wildlife as Ecosystem management.

This is unfunded mandates and destroys our Sovereignty Rights.

We hereby submit the above for the record.

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