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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
XXXXXXXXXXXXXXXXXX
NAVAJO REGION
P. O. Box 1060
Gallup, New Mexico 87305-1060

IN REPLY REFER TO:
520/Rights Protection

APR 28 2000

Karen Solari
USDA Forest Service
Content Analysis Enterprise Team
5500 Amelia Earhart Drive
Salt Lake City, UT 84116

Dear Ms. Solari:

The Navajo Regional Office of the Bureau of Indian Affairs has reviewed the February 22, 2000, Federal Register Notice describing the Unified Watershed Assessment Policy and concurs with the policy notice with a few comments.

1. Although the watershed assessment approach described includes ground-water issues, they are not described very well in the notice. As you know watersheds in the arid southwest, although delineated by surface-water courses, are heavily comprised of ground-water resources which could be adversely impacted by the management practices considered in this notice plus some not considered as adverse to surface waters. Therefore, we suggest that you include aquifers whenever you imply protection of waters within the watershed units. An example would be under ***Key Elements of the Proposal*** (page 8836). Your proposed guidelines currently read as follows: *Development of 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 value and a need for special protection.* Please, add the word *aquifers* after the word waters, because we believe the term, waters, implies surface water.

2. This notice does not clarify the jurisdiction for Indian owners of fee patent land (non-trust land). We expect that these landowners could be under the jurisdiction of either a state or tribal watershed assessment plan depending on their proximity to the Indian Reservation, rather than under BIA jurisdiction.

3. On page 8835, under the section "What Federal agencies are most involved?", please add the Bureau of Indian Affairs (BIA) under the Department of Interior Agencies since BIA is the principal trustee for all Indian trust lands. Indian Lands are Federal lands where the fee title is held in trust by the United States government. It should be noted that these Federal lands are not considered public lands (i.e., National Park Service Lands or Forest Service Lands).

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Thank you for the opportunity to comment on the Unified Watershed Assessment Guidelines. We support the cooperative State, Tribal, Federal approach encouraged by this notice and are committed to use of our limited funds for this unified approach to managing the Tribal natural resources.

Sincerely,

Genie Denetsone

ACTING Regional Director, Navajo
BIA, Navajo Region

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MAY 2011