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BY ELECTRONIC MAIL

May 24, 2000

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

Re: Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management

Dear Sir or Madam:

The Association of California Water Agencies (ACWA) appreciates the opportunity to submit comments on the proposed Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management (the Policy) proposed by the Department of Agriculture and the Department of the Interior (65 Fed. Reg. 35, 8835, February 22, 2000).

ACWA represents over 440 public water agencies in California. Our members supply over 90% of the water delivered in California for domestic, agricultural and industrial uses. Many of ACWA's member agencies provide their customers with treated drinking water and are keenly aware of the need to protect and restore water quality. Many of our member agencies also supply irrigation water to sustain agriculture over large areas of the state. Some of our member agencies operate publicly owned treatment works (POTWs) that discharge treated wastewater, either directly back into surface waters or by percolation to recharge groundwater basins. ACWA members are integrally involved in watershed management throughout the state to ensure that water supply needs are adequately addressed and positive environmental effects are optimized in a balanced manner.

ACWA recognizes the fact that the federal government manages over half the land base of California and that the actions of the various federal agencies responsible for these lands are likely to significantly influence existing and future water quality in this state. In general, we agree with the need for and the stated goals of the Policy. We also think that the time is right for the federal government to articulate a unified policy that will guide on-going and future efforts by the various federal agencies. We urge caution or request clarification however, in three areas:

- The scope and use of watershed assessments;
- "Good science" to improve management and regulatory decision-making; and
- The commitment to collaboration among federal agencies and with states, tribes, local governments and citizens.

These concerns will be developed below.

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ACWA strongly supports the policy goal to reduce water pollution from federal activities (Page 8837). It is unlikely that state water quality standards and the purposes of the federal Clean Water Act, Safe Drinking Water Act, and California state law may ever be achieved in many watersheds in this state unless federal land management agencies effectively address water pollution associated with federal activities. Given the regulatory burdens imposed by the federal regulatory agencies on the states, local governments and the private sector to achieve clean water and other environmental goals, the federal land management agencies must "do their share" to address all sources of water pollution associated with their activities, in partnership with the states.

We also support the other policy goal of a more unified, watershed-based approach by those federal agencies responsible for land management (Page 8837). This unity should be based in the shared purpose and generally acknowledged principles identified in the Policy, especially in the commitment to collaboration among federal agencies and effective partnerships with states, tribes and local governments.

The guiding principles that are listed in the Policy (Page 8837) seem to be appropriate, but are quite general and leave much to the interpretation of the reader. Some of these principles appear to be developed in somewhat better detail as "Agency Objectives" in the section that follows. We recommend clarification of the relationship between the principles and the objectives.

We support the general approach articulated in the first paragraph of the "Agency Objectives" to use available resources and existing authorities to implement the Policy. The emphasis should not be on creating new or expanded federal programs and activities, but rather on improving the effectiveness of existing programs and activities as they relate to watershed management. Instead, the Policy should clarify that signatory agencies are encouraged to reassess their core missions in terms of the Policy goals and principles.

The first objective to develop a common science-based approach to watershed assessment (Objective A, page 8837). Although we strongly support the need for "good science" and consistent procedures, we urge caution in this regard. In particular, California's experience with the Unified Watershed Assessment (UWA) prescribed by the Clean Water Action Plan suggests that the UWA is not a sound tool for future decision-making or program prioritization (please refer to comments submitted by the Coalition for the Conservation of Coho and Steelhead, which provide a more detailed explanation of this flawed process). Watershed assessments must be founded on the collection of adequate, scientifically valid monitoring data and application of consistent, objective and reproducible classification methods. A watershed assessment should not be accepted as complete until certain minimum data quality standards can be met and the assessment has been adequately peer-reviewed and revised to address valid technical or methodological challenges.

This raises the whole issue of "good science" and its role as a fundamental basis for the second objective of "using a watershed management approach when protecting and restoring watersheds" (Objective B, page 8837). We agree that "good science" is essential, but we believe that the Policy needs to provide a better description of the key attributes of "good

science" under Section B.5. (page 8838). We believe that this section should indicate a federal commitment to establishing objective methods and minimum data quality standards in advance of data collection, testing hypotheses, using data submitted by non-federal scientists, subjecting data and conclusions for objective peer review (including review by federal, academic and commercial scientists), and standards of quality control/quality assurance, among other considerations. We appreciate the commitment to collaboration concerning research needs, but believe that this objective could also be strengthened to provide a stronger commitment on the part of federal signatories to use research results in watershed management decision-making.

Finally, we applaud the commitment to enhancing collaboration (Objective D. page 3338). Better cooperation and collaboration among federal agencies is essential. Although developing a "common framework for addressing water quality and aquatic ecosystem issues for watersheds at the national, regional, state and tribal levels" seems ambitious and esoteric, we support the need for earlier, more cooperative, and more effective communication and collaboration between federal agencies. No less important is the commitment to improving collaboration with states, tribes, local governments and public stakeholders. As a representative of local governments, we cannot stress enough the need for the federal signatory agencies to approach their respective missions with a renewed commitment to genuine partnerships with local government agencies, many of which share fundamental interests in watershed management. We believe the goals of this Policy will be found to be totally irrelevant unless there is significant improvement in the commitment of federal agencies to collaboration. We recommend that these sections be revised to incorporate language that reflects this understanding.

We appreciate the opportunity to comment on the Policy. We recommend that it be revised to address the concerns outlined in this letter. If you have any questions regarding these comments, please contact David Bolland at 916-441-4545.

Sincerely,

Dan Smith
Director of Regulatory Affairs