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FAX TRANSMITTAL

STATE OF ALASKA
OFFICE OF THE GOVERNOR

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GOVERNOR

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Date: April 24, 2000
Pages: 5 total

From: Rex Blazer
Phone: (907) 465-8791
E-mail: rex_blazer@gov.state.ak.us

Regarding: **Unified Federal Watershed Policy**

To: **CAET**

Fax No.: 801-517-1021

Comments:

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STATE OF ALASKA

OFFICE OF THE GOVERNOR

TONY KNOWLES, GOVERNOR

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DIVISION OF GOVERNMENTAL COORDINATION

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April 24, 2000

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

Re: Unified Federal Watershed Policy

The State of Alaska appreciates the opportunity to comment on the February 22, 2000 Federal Register notice requesting public comment on proposed guidance on implementation of the "Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management."

It is our understanding that the proposed Policy would only apply to "lands and resources managed by and under the jurisdiction of the Federal department and agency heads who sign the final policy" and not to any waters which may be managed by the State without first obtaining agreement/concurrence by the State.

This policy could have a substantially positive impact on the management of water resources in Alaska, given the significant amount of federal lands in the state. We support the policy's goals of:

- using a consistent and scientific approach to managing lands and resources and for assessing, protecting, and restoring watersheds;
- identifying specific watersheds in which to focus resources and accelerate improvements in water quality and watershed condition;
- using watershed assessments to guide planning and management activities;
- working closely with States, Tribes, local governments, and stakeholders;

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- committing federal agencies to adhering to Federal, State, Tribal (where appropriate), interstate, and local water quality requirements to the same extent as non-governmental entities; and
- ensuring that Federal land and resource management actions are consistent with Federal, State, Tribal, and local government water quality management programs.

In reading through the policy, however, we are concerned that it does not sufficiently address the roles that states will have in implementing the policy. We suggest that the policy incorporate actions that address these issues:

- Federal consistency provisions in Section 319 of the Clean Water Act (CWA) authorize each state to review federal activities for consistency with the state nonpoint source pollution program. If the state determines that an application or project is not consistent with its program and makes its concerns known to the responsible federal agency, the federal agency is required to make efforts to accommodate the State's concerns or explain its decision in accordance with Executive Order 12372. When the Alaska Coastal Clean Water Plan (Sec. 6217 of the 1990 reauthorization of the Coastal Zone Management Act) is fully approved, coastal projects may be subject to the same Federal consistency requirements.

- Federal agencies should use identified state priorities as a basis for prioritizing their work and leveraging funds and resources in the state. In Alaska, documents such as the CWA Section 303(d) list of impaired waters and the Section 319 Nonpoint Source Pollution Control Strategy provide goals and objectives for protecting water resources in the state. Alaska is also in the process of developing the Alaska Clean Water Agenda (ACWA), a statewide water quality policy document. Modeled after the President's Clean Water Action Plan, this document will provide a roadmap for uniting public and private efforts to protect and restore Alaska's water resources. We expect ACWA to be finalized after a full public process within the next 6-9 months. When completed we would suggest that ACWA would set not only state priorities but also be useful in aligning federal projects to Alaska needs.

- Although the primary formal federal consistency review mechanism was created in EO 12372, this guidance recommends use of other less formal review processes in addition to the formal review process. Use of Memoranda of Understandings or other approaches should be developed to promote better working relationships with federal officials because they provide an opportunity for lead state and federal agencies to

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work together to achieve water quality goals. Our State, through its resource agencies, has already taken a step forward in developing better working relations with federal agencies in Alaska. As a result of the Alaska watershed summit in February 2000, state and federal agencies committed to an Alaska Coordinating Committee, similar in scope to several federal coordinating committees that have been established in other states.

- EPA may be a good choice to serve as a lead agency to work with federal agencies to support their pollution abatement and environmental protection efforts and their efforts to ensure that their programs and policies are compatible with states' water quality standards and program implementation goals. In Alaska, the Department of Environmental Conservation and EPA agreed to co-chair the Alaska Coordinating Committee as work on that effort begins.

- Federal agencies should work with states to develop measures of success so that feedback can be provided on programs and achievements necessary for effective coordination, cooperation, and implementation.

- Section II-D-5 of the policy states federal agencies will coordinate monitoring, but does not indicate how states will be involved. Federal monitoring programs are not often coordinated with states even though most states, including Alaska, are developing or have developed monitoring programs. This should be recognized in the policy, and federal agencies should be directed to coordinate their monitoring programs with state and tribal programs. In Alaska, EPA's efforts to bring the Environmental Monitoring and Assessment Program (EMAP) up north is a hopeful prospect for addressing baseline monitoring needs in Alaska.

- Section II-2-A-2-C 5 states federal agencies will conduct assessments in priority watersheds on a 10-year cycle, unless a different cycle better demonstrates changes. The policy should be modified to affirm that wherever possible, the Federal prioritization cycles and prioritizing criteria are consistent with state programs. Regarding a 10-year cycle, it should be noted that Alaska is probably too big, with too many remote and undeveloped areas, to warrant a 10-year cycle that is all inclusive.

- Section II-2-A-1-D states federal agencies will develop a framework for classifying the condition of watersheds with significant federal lands and resources. The policy makes no reference to state frameworks. The policy should be modified to affirm that

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In conclusion, Alaska supports the goals of the policy but is concerned that it does not sufficiently commit federal agencies to working with states. The policy also does not sufficiently outline the mechanisms for implementing the stated goals. When the Alaska Clean Water Agenda is finalized, we will have a unified set of State priorities for water quality and watershed efforts, and want to be assured that our State policy works well with federal objectives. We believe that efforts through the Alaska Coordinating Committee will be a positive way to obtain a unified federal/state approach, but it must be recognized that the state is an equal player.

We appreciate the opportunity to comment and look forward to fostering improved relationships with federal agencies dealing with water quality issues.

If you have any questions regarding these comments, please contact me at (907) 465-8791 (patrick_galvin@gov.state.ak.us) or Susan Braley at DEC (907) 465-5308 (susan_braley@envircon.state.ak.us.)

Sincerely,

Patrick Galvin
Director
Division of Governmental Coordination

cc: Tom Chapple, DEC
Susan Braley, DEC
Patty Bielawski, DNR
Ken Taylor, DFG

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