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Ronald Jones
2171 P. Rd.
Eckert, Co.
81418

April 22 2000

USDA Forest Service
Content Analysis Enterprise Team
ATTN: UFP, Building 2, Suite 295
Salt Lake City, UT 84116 Fax To 801-517-1021

Unified Federal Policy for Ensuring Watershed Approach To Federal Land and Resource Management

Federal Register: February 22, 2000 (Volume 65, Number 35) Notices: Page 8839-8840. Volume 65, Number 35, Pages 8839-8894

Comments:

Review of the Department of Interior Secretary Bruce Babbitt and USDA 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 lands and resources. This proposed policy potentially impacts all private, state, and local government lands.

With terms such as "significant" and "Resources" left undefined within the documents, federal agencies could potentially delineate every watershed with a wetland, migratory bird or endangered species within the boundaries.

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II

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 ~~management~~ assessments and management will be based on 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."

EPA's assessment ~~will be~~ of water quality to date, has nothing or has been anything but good science. In 1999, an EPA report led Congress in to believe that agriculture polluted 70 per cent of the nation's streams. In other 1999 documents, EPA states that 40 per cent of U.S. waterways are still polluted.

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III

and 60 per cent of the pollution comes from agriculture and urban non point sources. But EPA's own actual data suggests neither of these statements. Their data used to justify regulating Animal Feeding Operations (AFOs) shows that only 693,905 miles of 3.6 million miles of streams in America, or 19.3 per cent were surveyed. Of those 693,905 miles of surveyed stream, only 14,075 miles, or 2 per cent, had major problems due to livestock. It must be remembered, however, that even this data is suspect because most surveying occured in areas where problems were thought to be likely, and 22 per cent of the data came from state - - Mississippi.

The prevention and controls outlined include the establishment of total Maximum Daily Loads (TMDLs) and Best Management Practices (BMPs). While this rule states that it 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

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regulation and that federal agencies have no legal authority to implement TMDLs and BMPs. It can only be assumed that this section of the Clean Water Act is not considered "applicable legal authority."

Also under the the TMDL regulations, the term "pollution" is redefined to include any hydrologic modifications. In other words, any diversion of water pursuant to an established water right could be considered pollution.

"The ~~est~~ establishment of TMDLs will likely result in the permitting of all activities within a watershed that don't meet the standards to be established by the EPA. Cost to small businesses could be substantial, as shown by American Farm Bureau ~~Federation~~ Federation's analysis of the EPA'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 ~~Complex~~ Comprehensive Nutrient Management Plans to ensure they do not pollute water resources above and 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.

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The Vice President's Clean Water Initiative also states that two million miles of buffer ~~zones~~ strips protecting water from ~~agricul~~ 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 would mean every river and stream in America crossing private and state land will have to be buffer zone placed around it. Also to provide habitat for ~~endanger~~ endangered species, fish and wildlife.

I hereby submit the above comments.

David Jones
2171 P Rd
Eckert, Colo. 81418
April 22, 2000
Fax to 881-517-1021

CAET RECEIVED

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David Jones
2171 D. Rd.
Eckert, Co.
81418

April 22 2001

USDA Forest Service
Content Analysis Enterprise Team
ATTN: UFP, Building 2, Suite 295
Salt Lake City, UT 84116 Fax to 801-517-1021

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Comments:

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EPA'S assessment ~~[illegible]~~ of water quality to date, has nothing or has been anything but good science. In 1999, an EPA report led Congress in to believe that agriculture polluted 70 per cent of the Nation's streams. In other 1999 documents, EPA states that 40 per cent of U.S. waterways are still polluted.

III

and 67 per cent of the pollution comes from agriculture and urban non point sources. But EPA's own actual data supports neither of these statements. Their data used to justify regulating Animal Feeding Operations (AFOs) shows that only 693,905 miles of 3.6 million miles of streams in America, or 19.3 per cent were surveyed. Of those 693,905 miles of surveyed stream, only 14,075 miles, or 2 per cent, had major problems due to livestock. It must be remembered, however, that even this data is suspect because most surveying occured in areas where problems were thought to be likely, and 22 per cent of the data came from state - - - Mississippi.