WYOMING FARM BUREAU FEDERATION
P.O. Box 1348
Laramie, Wyoming 82073 • (307) 745-4835

119

USDA-Forest Service
Content Analysis Enterprise Team
Attn. UFP, Building 2, Suite 295
8800 Amelia Earhart Drive
Salt Lake City, UT 84116

Dear Sir/Madame:

The following comments are offered by the Wyoming Farm Bureau Federation on the "Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management; Notices" published in the **Federal Register**/ Vol. 65, No. 35/Tuesday, February 22, 2000/ Notices.

The Wyoming Farm Bureau Federation represents agricultural producers throughout the state of Wyoming. Many of these producers utilize federal lands for part of their operation and others live in close proximity to these federal lands. Indeed, given the mixed ownership of private lands with federal lands, it is hard to imagine how the proposed "watershed" approach can occur with out significant impact on private lands. Therefore, these food producers will be impacted by these proposals.

The first item that the agencies need to address is what controlling legal authority(ies) are being used to implement this policy. The only authority quoted for implementing this proposed policy is the Presidents ***Clean Water Action Plan***. Are these policy proposals a result of or in conformance with the Clean Water Act?, the Federal Land Management Policy Act?, Taylor Grazing?, National Forest Management Act?, the Intermodal Surface Transportation Act?, or some other Congressionally passed Act. Without knowing the controlling legal authority, the public cannot determine whether the proposed policies are legally authorized or not. While the agency may argue that the document is not a decision document, the fact that it forces an implementation process would tend to counter this argument.

The purpose of the proposed rule is to "enhance watershed management for the protection of water quality and the health of the aquatic ecosystem..." (Fed. Reg. p. 8834; explanation). With this proposal, federal land managers will be asked to link water quality with upland conditions. Very little in the way of research and information is available which links these two items. Indeed, an upland could be composed almost entirely of undesirable plant species and have very little or no impact on water quality. The science available, considers "riparian areas and water quality" which limit the effects of uplands. Clayton B. Marlow (Assistant Professor Animal & Range Sciences Department, Montana State University) in *Characterizing Riparian Zones* discusses the influence climate and geologic formations on riparian development. Dr. Marlow says, "Consequently, the riparian zone is created by the interplay between past and present

CAET RECEIVED
APR 24 2000

119

climatic and geologic processes and the ensuing interaction between colonizing plants and stream channel dynamics." In another study done by B.J. Rhodes, C.B. Marlow, and H.W. Sherwood (*Monitoring streambank stability: Grazing Impacts or Stream Variability?)* they found "that each watershed, stream, stream reach and riparian area has unique characteristics that must be accounted for in developing a grazing strategy." Something the Unified Federal Policy ignores.

The science for understanding water quality impacts from non-point sources of pollution is in its infancy. Most areas of federal lands have extremely limited amounts of water quality data. The data that does exist is limited for conclusions which can be obtained.

Another "lynch pin" of the proposed policy is to "Use a consistent and scientific approach to **managing** lands and resources and for **assessing, protecting and restoring** watersheds." (Fed. Reg. p. 8834; emphasis added) The placing of the words in this sentence may or may not be a coincidence, however, managing the lands (scientifically) before carrying out an adequate assessment is a misuse of government and private resources. The same concerns we have about the lack of science in linking upland conditions with water quality are prominent in our concerns about how the agencies plan to conduct a scientific management without having any data to show what is happening in the watershed. Furthermore, it is acknowledged by water quality specialists that obtaining information about non-point sources of pollution which are not **"man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water**"(CWA Section 502(19) emphasis added) needs a minimum of 10 years of data and monitoring.

The Unified Watershed Assessment proposal does not address this serious short fall in qualified data.

The policy also discusses the need to focus budgetary and other resources and accelerate improvements in water quality and watershed condition. Again the proposal is a "cart before the horse" concept. Without a good understanding of what is out there in the watershed, you cannot focus resources on improvements as the proposed policy seeks to do.

In the explanation "identify waters of exceptional value." However, we do not find a corresponding section in the actual rules which discusses this issue. The reader is left to wonder what section of the Federal Register Notice the "exceptional value" designation will be discussed and the criteria the agencies will use to determine "exceptional value". Indeed the paucity of information on this item is of grave concern to those who must operate on the federal lands. Will the "exceptional value" designation suddenly appear based on some federal agency head's desire to leave a lasting legacy, or will the citizens be able to have input? Will the public be allowed to examine what criteria will be used, or will the various agencies use arbitrary and capricious processes to arrive at these designations? Are these designations similar to Congressionally designated Wild and Scenic Rivers? If they are, where does the Congress fit into this process?

The lack of information on this critical part of the proposal should preclude any federal agency from going forward with a "waters of exceptional value" designation.

The proposal lists under the Agency Objectives a "common science-based approach to watershed assessment for Federal lands". These words are good sounding words, but instead of

CAET RECEIVED
APR 2 4 2000

119

Wyoming Farm Bureau Comments
page 3

stopping at an attempt to establish a science based assessment process, the proposal launches into management programs. Given the vast amount of information the agencies have to acquire, we suggest they establish unified science-based procedures for assessing watersheds. After adequately assessing the watershed, only then should the agencies proceed to the next step, that of classifying the condition of the watershed and of prioritizing and "protecting." Without adequate time and information the rest is just a waste of taxpayer resources. It will also result in futile attempts to solve issues where we don't know where we're going, we can't tell when we've gotten there and once there we don't know why. Such a policy is ridiculous.

Therefore we recommend the agencies develop and begin at a minimum a ten year program to scientifically assess the watershed. While this may take longer, the results will be information that will allow managers to start a process based on information and data instead of on public opinion polls and directives from Washington, D.C. A management approach based on "good science". The rest of the policy proposal should be discarded until the first step is completed.

Thank you for this opportunity to comment.

Sincerely,

Ken Hamilton

Ken Hamilton
Administrative Assistant

CAET RECEIVED
APR - 2000

USDA-Forest Service

Content Analysis Enterprise Team

Draft

Attn. UFP, Building 2, Suite 295
8800 Amelia Earhart Drive
Salt Lake City, UT 84116

Dear Sir/Madame:

The following comments are offered by the Wyoming Farm Bureau Federation on the ''Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management; Notices'' published in the **Federal Register**/ Vol. 65, No. 35/Tuesday, February 22, 2000/ Notices.

The Wyoming Farm Bureau Federation represents agricultural producers throughout the state of Wyoming. Many of these producers utilize federal lands for part of their operation and others live in close proximity to these federal lands. Indeed, given the mixed ownership of private lands with federal lands, it is hard to imagine how the proposed ''watershed'' approach can occur with out significant impact on private lands. Therefore, these food producers will be impacted by these proposals.

The first item that the agencies need to address is what controlling legal authority(ies) are being used to implement this policy. The only authority quoted for implementing this proposed policy is the Presidents ***Clean Water Action Plan***. Are these policy proposals a result of or in conformance with the Clean Water Act?, the Federal Land Management Policy Act?, Taylor Grazing?, National Forest Management Act?, the Intermodal Surface Transportation Act?, or some other Congressionally passed Act. Without knowing the controlling legal authority, the public cannot determine whether the proposed policies are legally authorized or not.

The purpose of the proposed rule is to ''enhance watershed management for the protection of water quality and the health of the aquatic ecosystem...'' (Fed. Reg. p. 8834; explanation). With this proposal, federal land managers will be asked to **link** water quality with upland conditions. Very little in the way of research and information is available which links these two items. Indeed, an upland could be composed almost entirely of undesirable plant species and have very little or no impact on water quality.

The science for understanding water quality impacts from non-point sources of pollution is in its infancy. Most areas of federal lands have extremely limited amounts of water quality data. The data that does exist is limited for conclusions which can be obtained.

Another ''lynch pin'' of the proposed policy is to ''Use a consistent and scientific approach to

managing lands and resources and for **assessing, protecting and restoring** watersheds.'' (Fed. Reg. p. 8834; emphasis added) The placing of the words in this sentence may or may not be a coincidence, however, managing the lands (scientifically) before carrying out an adequate assessment is a misuse of government and private resources. The same concerns we have about the lack of science in linking upland conditions with water quality are prominent in our concerns about how the agencies plan to conduct a scientific management without having any data to show what is happening in the watershed. Furthermore, it is acknowledged by water quality specialists that obtaining information about non-point sources of pollution which are not **''man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water**''(CWA Section 502(19) emphasis added) needs a minimum of 10 years of data and monitoring.

The Unified Watershed Assessment proposal does not address this serious short fall in qualified data.

The policy also discusses the need to focus budgetary and other resources and accelerate improvements in water quality and watershed condition. Again the proposal is a ''cart before the horse'' concept. Without a good understanding of what is out there in the watershed, you cannot focus resources on improvements as the proposed policy seeks to do.

In the explanation ''identify waters of exceptional value.'' However, we do not find a corresponding section in the actual rules which discusses this issue. The reader is left to wonder what section of the Federal Register Notice the ''exceptional value'' designation will be discussed and the criteria the agencies will use to determine ''exceptional value''. Indeed the paucity of information on this item is of grave concern to those who must operate on the federal lands. Will the ''exceptional value'' designation suddenly appear based on some federal agency head's desire to leave a lasting legacy, or will the citizens be able to have input? Will the public be allowed to examine what criteria will be used, or will the various agencies use arbitrary and capricious processes to arrive at these designations? Are these designations similar to Congressionally designated Wild and Scenic Rivers? If they are, where does the Congress fit into this process?

The lack of information on this critical part of the proposal should preclude any federal agency from going forward with a ''waters of exceptional value'' designation.

The proposal lists under the Agency Objectives a ''common science-based approach to watershed assessment for Federal lands''. These words are good sounding words, but instead of

stopping at an attempt to establish a science based assessment process, the proposal launches into management programs. Given the vast amount of information the agencies have to acquire, we suggest they establish unified science-based procedures for assessing watersheds. After adequately assessing the watershed, only then should the agencies proceed to the next step, that of classifying the condition of the watershed and of prioritizing and ''protecting.'' Without adequate time and information the rest is just a waste of taxpayer resources. It will also result in futile attempts to solve issues where we don't know where we're going, we can't tell when we've gotten there and once there we don't know why. Such a policy is ridiculous.

Therefore we recommend the agencies develop and begin at a minimum a ten year program to scientifically assess the watershed. While this may take longer, the results will be

information that will allow managers to start a process based on information and data instead of on public opinion polls and directives from Washington, D.C. A management approach based on ''good science''. The rest of the policy proposal should be discarded until the first step is completed.

Thank you for this opportunity to comment.

Sincerely,

Ken Hamilton
Administrative Assistant