120

GEORGIA FORESTWATCH

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Ellijay, GA 30540

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FAX COVER SHEET

6 pages

4·24·2000

To: Content Analysis Enterprise Team

From: Angela Faye Martin

UFP Comments

RE: Hard copy has also been sent (4·24·2000).
Please, call above # if fax is unclear.
Thank You

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To: Content Analysis Enterprise Team
USDA Forest Service
Attention: UFP
5500 W. Amelia Earheart Drive
Building 2, Suite 295
Salt Lake City, UT 84116

April 24, 2000

RE: Comments on Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management with specificity to the Southern Appalachians

Thank you for the opportunity to comment on the proposed federal policy. On behalf of our diminishing Southern Appalachian aquatic species and habitat, please, consider the following facts:

- The Southeast supports about 90% of the species of crayfishes, and approximately 75% of the aquatic snails, and about half of the freshwater fishes known in the continental United States. Aquatic ecosystems here support some of the most extraordinary assemblages in the world.

- State Heritage Programs list 190 aquatic and semi-aquatic TE&S species; other aquatic species at risk total 260; and there is concern for the trends in our native trout populations.

- Human population in our region is increasing rapidly. The increasing demand for freshwater ecosystems are unlikely to decrease in the near term and under current policies, increasing the importance of freshwater habitats on public lands.

In a spirit of general support for the proposed policy, we submit the following comments (in italics) on goals A. though F.:

A. *Use a consistent science-based approach to managing lands and resources...* We ask that the policy describe and enforce **an explicit set of protocols** that all agencies must adhere to nationwide.

B. *Identify specific watersheds where resources will be focused...* Please recognize that past watershed funding allocations have been heavily biased with greatest

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respect to recreation and political climate. We urge that the policy not place funding priority on "water quality and watershed condition" but additionally on levels of endemism **and requirements for listed species protection**. We also urge that the agency (ies) conduct regular, systematic population data collection.

C. *Use the results of watershed assessments to guide planning and management...* We urge that scientific attributes of assessments not merely "guide" planning but **determine actions of entrusted management agencies and officials.**

D. *Work closely with States to implement this policy...* We ask that there be a construct designed to notify concerned citizens when and if a governing agency is not adhering to federal policy agreements.

E. *Meet our Clean Water Act responsibility to adhere to... water quality requirements to the same extent as non-governmental entities...* It could be said that this statement was not received with any particular amount of relief or confidence of higher regard for our watersheds in the future. It is our hope that management decisions on federal or state lands, with respect to watersheds, would be based on biological conservation modeling **above and beyond any example of non-governmental ownership.**

F. *Take steps to ensure that Federal land and resource management objectives are consistent with Federal, State, Tribal, etc...* Again, we are hopeful that our Federal government will **ensure that obligations for watershed protection are adequately met** through enforceable, beneficial, on-the-ground change.

Additionally, the Clean Water Act and other environmental laws, if properly enforced, can and should accomplish goals A. through F.. **It is our conviction that federally governed properties should be textbook examples of optimum ecological integrity with clean water and healthy native habitat.**

Public lands provide our nation with the best habitats and habitat opportunities. Without these lands and proper management thereof many more extinctions would have already taken place as we have witnessed with privately and industrially controlled land. Unfortunately, federally lands are still threatened and degraded under current leadership.

Federal management decisions are vitally linked to the protection and restoration of a vast number of the nation's rivers, lakes and streams. The fact is that there is today widespread impairment of aquatic systems caused by past and continuing federal lands management actions. At the same time, these lands harbor many of the last best habitats for a multitude of aquatic and riparian-dependent species. The importance of protecting and restoring these watersheds to the ecological future of this country cannot be overstated.

There is support for watershed-based assessment of ecosystem condition, functions and processes. This approach naturally engenders the identification of watersheds of

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particular significance and the prioritization of these areas for protection and restoration actions. We hope that the following input will be used to bolster attributes of the policy:

Enforcing the need to meet Key Clean Water Act Obligations Within the Federal Family: Full Implementation of the Antidegradation Mandate for all Federal Lands

- Federal agencies must refuse to incorporate land practices that disrupt, disturb or degrade riparian areas. To that effect, the Clean Water Act clearly intends that where water bodies are impaired, further degradation should not be permitted to continue.

- It is our understanding that there is no commonly understood framework that federal land managers use when making decisions, which may affect aquatic ecosystems. This situation is of particular concern in places where aquatic species are not protected under the Endangered Species Act and there is no interagency decision making process motivated by the need for consultation.

- This direction should **clarify that management changes may need to be made on waters impaired by non-point source pollution from federal land uses** prior to the formal approval of TMDL's and associated implementation plans.

- Through designation of special protection watersheds the **federal agencies can facilitate states implementation of Tier III of the nondegradation mandate** to identify and protect Outstanding National Resource Waters.

Methodical Implementation of Policy: Who Will Be Accountable, Who Will Provide Oversight

- Craft an Implementation Plan: Clarity for partnering agencies on proposed policy will provide a clear definition of directives, so that agencies do not have to ask, "where do we go from here?"

- An accountable governing body consisting of key leadership rather than individuals within each and every partnering agency. This committee could then provide a "bottom line" for oversight and implementation of timelines for the agencies.

- The policy must set clear goal structure marking progress toward overall goals. If this policy cannot meet this objective then a specific process for addressing this important and missing attribute to the policy must be established and outlined therein.

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- Foremost in necessity is the need to define and implement interagency guidelines for delineation of watersheds.
- Under these guidelines, develop set procedures for all agencies throughout the country.
- Develop a framework for classifying the condition of watersheds with significant resources. Although the policy calls for a schedule to do the assessments, it does not establish the assessment framework itself.

With respect to the policy's goals we urge that federal agencies set a goal of "full compliance" within a reasonable and stated and enforceable timeframe of pollution prevention and goals such as 5-10 years. Goals should be as "steep" as our slopes.

We urge the development of formal agreements to clarify the responsibilities of states, tribes and local officials.

We urge the development of a common assessment framework for all watersheds.

This policy must insure and develop a monitoring criteria and evaluation approach to agencies charged with stewardship of watersheds.

It should go without saying that watersheds of critical significance to the recovery of state or federally listed species (regardless of the Endangered Species Act) fall in into the category of "Special Protection Watershed". De facto candidates would additionally include watersheds that meet state criteria for Outstanding National Resources waters.

It must be explicit in the policy that impairment (as in 303-D listing) does not exclude waterways for Special Protection Watershed status. Appropriate attention must be given to watersheds both "in need of restoration" and "pristine or sensitive".

Within the Unified Federal Policy we urge that a definite criteria for scale be clearly defined. The priority and special protection designations should have meaning and respect to the region or ecoregion in which it occurs.

The intent of this policy and its authors is received with the utmost value and respect. It is our hope that the above comments will be reviewed with that in mind. Please, allow us to clarify any of the above concerns if the need should arise. Thanks for the opportunity to comment.

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Sincerely,

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Staff Attorney
Southern Environmental Law Center

Angela Faye Martin

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Watershed Project Coordinator
Georgia Forestwatch

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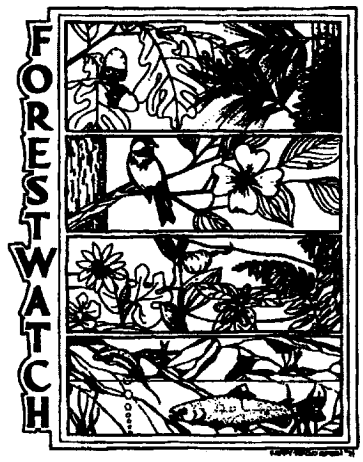

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