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On behalf of the Oregon Cattlemen's Association
"The Voice of the Cattle Industry in Oregon"

COMMENTS REGARDING

Proposed Unified Federal Policy For Ensuring a Watershed Approach

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Proposed Unified Federal Policy For Ensuring a Watershed Approach
to Federal Land and Resource Management

FROM THE PROPOSED POLICY

I. Policy Goals

To develop a unified Federal policy that meets these two goals, we incorporated the following guiding principles:

A. Use a consistent and scientific approach to managing Federal lands and resources and to assess, protect, and restore watersheds.

Comment: The Federal government has many areas in statute, rules, and agency documents that use terminology such as *scientific approach*. This policy does not define what the *scientific approach* will be. Oregon Cattlemen's Association have attached a definition of science that we feel must be defined in this policy in order to move ahead. With no definition of the *scientific approach* we know it could be anything written or spoken by any person who claims to have a professional science status.

If the policy is to be taken seriously and considered worthy of implementation we expect to see this spelled out and we will no longer take for granted that what is claimed to be *science* within the agencies truly will meet the standards required to be named *science*.

We suggest adopting a definition similar to the definition Oregon Cattlemen have adopted or consult the American Physical Society (Professional Physicists) who first wrote this definition.

"Science extends and enriches our lives, expands our imagination and liberates us from the bonds of ignorance and superstition. The OCA membership agrees with the American Physical Society and other professionals of the science community who affirm the precepts of modern science that are responsible for its success.

"Science is the systematic enterprise of gathering knowledge about the universe and organizing and condensing that knowledge into testable laws and theories.

"The success and credibility of science are anchored in the willingness of scientists to:

1. Expose their ideas and results to independent testing and replication by other scientists. This requires the complete and open exchange of data, procedures and materials.

2. Abandon or modify accepted conclusions when confronted with more complete or reliable or observational evidence.

Adherence to these principles provides a mechanism for self-correction that is the foundation of the credibility of science."

FROM THE PROPOSED POLICY

B. Identify specific watersheds in which to focus our budgetary and other resources and accelerate improvements in water quality and watershed condition.

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Comment: Why must there be a policy announcement that describes an ambiguous selection process to identify watersheds to focus budgetary improvements on? We prefer to have this statement written as : A percent of our budgetary and other resources will be allocated toward improving water quality to meet each state standard as required by state water management programs.

FROM THE PROPOSED POLICY

C. Use the results of watershed assessments to guide planning and management activities in accordance with applicable authorities and procedures.

D. Work closely with States, Tribes, local governments, and stake holders to implement this policy.

E. Meet our Clean Water Act responsibility to adhere to Federal, State, Tribal, interstate, and local water quality requirements to the same extent as non-governmental entities.

F. Take steps to ensure that Federal land and resource management actions are consistent with Federal, State, Tribal, and, where appropriate, local government water quality management programs.

Comment: Same as above. The assessments must comply with the state water management programs. It is of great concern to us how the agencies will be able to coordinate within the various 50 state programs. There is little offered here to indicate that the agencies can cooperate and coordinate in a coherent and satisfactory manner regarding this item. We are well aware of the vast and sweeping claims being made by the ICBEMP team regarding land management between agencies. This policy is likely going to cost too much time and energy to implement and the results will be minimal as the the ICBEMP plan. Lofty goals such as the ones presented here lack recognition of their effectiveness when standing on a site within a watershed. It is at that moment that the *policy* should be most effective. As it is, *policy* cannot be sounded at the site specific levels, simply because they miss the tasks necessary to meet site conditions due to the policy formation taking place within the walls of offices by personnel who have never faced situations that require improvements in water quality or watershed improvements.

FROM THE PROPOSED POLICY

II. Agency Objectives

A. We will develop a common science-based approach to watershed assessment for Federal lands.

Comment: The objectives do not define what the *scientific approach* will be. We suggest adopting a definition similar to the definition Oregon Cattlemen have adopted or consult the American Physical Society (Professional Physicists) who first wrote this definition.

The objectives this policy hopes to achieve are lofty and too idealistic to be taken seriously as a viable policy that can be turned into action by the agencies. The agencies in the Western states are nearly at a standstill with this top down management scheme. Unifying how the Federal agencies conduct assessments is a good idea but this policy lacks clear language that defines the scope. There are vast limitations across 50 states in what can be addressed in a meaningful way. This policy suggests that there will be cooperation, coordination, and consideration within each state and each tribe.

At the present time the agencies attempting to conduct any work within watersheds do not lack a unified assessment procedure, but instead are prevented from conducting work due to the over-

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bearing ESA requirements initiated under Nation Marine Fisheries Service's "scientific approach". Adding a unified policy to the arena at this time will not help the matter at all.

Watersheds should not be prioritized throughout the states because there is no database that can give direction to the agencies to make such a list. Creating priority watersheds will burden the citizens who must bear the ramification of rules and other policy changes as funding becomes available and resources are found.

What will the watershed assessments be made on? Fish? Water? Erosion? All of these? this policy is unclear and should be rewritten to state precisely what it intends to accomplish and present a clear focus of why it is needed.

As written, the policy suggests that very few who participated in the development of the policy have worked in the field using the watershed approach to solve any land management problems. Oregon Cattlemen's Association is not in favor of federal actions and federal policies that lack an approach based on experience. Were any agency personnel consulted about watershed work? We suggest that should be done before a final policy is written.

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b. We will identify priority watersheds based on factors that include:

(1) The percentage of the watershed under Federal management;

(2) Issues the Federal agencies identify, including possible adverse effects on water quality;

Comment: Have you put together water science facts for this? We find the agencies at this time do not address water quality but instead use fish science to determine what the quality of water should be. Oregon Cattlemen consider fish science and water science to be two different endeavors. Without studying the two disciplines separately, and then studying how fish survive in the water habitat, the federal agencies will continue to make mistakes and continue to harm the habitat more than it helps. We have evidence of *do good* activities the agencies have conducted in Oregon that have become eyesores and contributors to poor water quality and habitat destruction. The projects are well documented, the agency claims they monitor, but their monitoring fails to meet the requirements for an objective monitoring program. They do not measure the water to determine what the quality of the water is, and they have not measured the streambed sediments in order to know if the fish habitat they intended to improve was harmed.

Oregon Cattlemen have measured the streambed sediments and do have data that objectively demonstrates that the project for watershed improvement has now created a degraded stream reach and has caused the stream reach to now be out of compliance with the state standard where it was in compliance before they started the work.

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2. We will develop a process and guidelines for identifying and designating waters or watersheds on Federal lands that may have significant human health, public use, or aquatic ecosystem values and a need for special protection.

3. We will implement pollution prevention and controls, consistent with applicable legal authorities.

Comment: How will you do this? Implement controls? Using this policy? This policy lacks

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definition of the scope of the problems it addresses, lacks a clear focus on what it will accomplish and is generally just more top down administrative paper shuffling for the agencies.

This policy is actually intended to become regulation. We object to more regulations. It's time to do some work and quit burdening the public and our ability to use public lands.

Oregon Cattlemen prefer a new policy that will relieve agency personnel from the desks so that they can once again conduct management on the ground rather than on a computer program that gives perfect results because *modeling* programs are driving the decision making. Modeling programs are not science, and the modelers who develop the models are not scientists. More regulations aren't going to improve the water quality until agency personnel once again can spend time in the field in the watershed managing instead of thinking about ways to write documents about management they never quite get to. They need to be on the streams armed with a knowledge about water science, conduct methodical analysis of the water quality, and implement site specific techniques to improve areas that need improvement.

FROM THE PROPOSED POLICY

a. We will address nonpoint and point source pollution from Federal land management activities, protect or improve water quality, and meet applicable State and Tribal water quality requirements under the Clean Water Act.

Comment: It is no comfort to hear that a new policy during April, 2000 intends to protect water quality. The agency documents are filled with pages that have written these very words time and time again. This policy will help nothing. The needed guidance has already been given to the agencies. The problem is precisely what is stated above. Until the agency personnel get out from behind the desk, quit attending *consultations*, meetings, and training sessions and actually go out and work in the watersheds everyday.....any new policies will have no meaning.

FROM THE PROPOSED POLICY

5. We will base watershed management on good science. We will use good scientific information from research and management experience in designing and implementing watershed planning and management programs, and setting management goals (e.g., desired conditions). To expand current knowledge, we will collaborate to identify research needs and contribute to or sponsor research, as appropriate.

Comment: Oregon Cattlemen believe a policy about *science* and *scientific methodologies* used by Federal agencies should be written instead of this one.

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7. We will help States and Tribes develop science-based total maximum daily loads (TMDLs). We will develop a coordinated approach for assisting and supporting State and Tribal efforts to develop and implement TMDLs in watersheds with significant Federal land and resource management activities. We will provide technical assistance, tools, and expertise. We will use TMDL results in watershed planning and subsequent resource management activities to meet applicable State and Tribal water quality requirements under the Clean Water Act.

Comment: Oregon Cattlemen find this item represent proof that the authors of this policy have not looked into the state programs to know if they can achieve #7. TMDLs in Oregon are being

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established and the the notion that you will help develop *science-based* TMDLs cannot be done in Oregon. The Wallow Whitman Forest is now obligated to a *non-science-based* solution for nonpoint thermal pollution. All streams must establish buffer strips of trees of 200-700 trees per acre. The trees also must achieve heights of 140 feet regardless of the site potential, soil types, or elevation. Oregon TMDLs are focused on temperatures and intend to cool streams with shade. This policy, if it intends to use Oregon's *shade* science, will fail. The notion that shade will cool the water is not based in science, but is based inside a computer model that has predicted that Oregon's water will cool if tall trees are grown to block the sunshine.

The Oregon model also predicts that streams increase in temperature as the number of miles increase from the headwaters. The model predicts that a stream 200 miles long will reach boiling point (212°F). According to Oregon Cattlemen's calculations, we have observed that the Columbia River should be boiled out before it reaches the dams in our state. Since it doesn't, we believe the model must have an error in it.

Also, the model predicts that a stream with 1% shade will cool by 20°F if shade is increased to 2%. It also predicts that streams with 2% shade will be 120°F. Oregon Cattlemen find this interesting since many of our members live on streams with sites that have the potential to grow shrubs that occupy 10% of the streambanks. The water temperatures on these streams where there are no trees or shrubs reach a daily maximum temperature are only 64-72°F.

Is this the kind of science-based TMDLs you have in mind? We are opposed to such programs that substitute modeling for field work. Oregon Cattlemen have an extensive water data base that is *science-based* and has indicated that most of the streams targeted for TMDL loads are not polluted by sunshine. The stream temperatures are within the *natural* amount of heating expected in rivers and streams for our climate and geographic location. Does this policy intend to use modeling predictions as science? How will you address the various approaches to TMDLs across the states such as the one in Oregon? Are you aware that Oregon does not handle nonpoint source pollution under the CWA 319 program?

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C. We will improve our compliance with water quality requirements under the Clean Water Act.

Comment: If you improve your compliance with water quality requirements will you require states to match what the Federal lands require or will you direct agencies to follow what the state programs are doing? How will you handle a state such as Oregon?

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D. We will enhance collaboration.

Comment: How does this policy address NMFS and EPA policies? Nothing takes place on Federal lands in the Pacific Northwest without first talking to NMFS. How will this policy sit with them? How will this policy address the ESA requirements? Were the 4(d) rules considered in the development of this policy?

FROM THE PROPOSED POLICY
3. We will expand opportunities for participation by interested stake holders. We will seek participation by interested stake holders in watershed planning and management decisions using available mechanisms in existing planning processes.

Comment: This likely just means public comments will be taken when necessary. Oregon

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Cattlemen do not think this is a clear statement of how the policy will address the *interested stake holders*. The public comments, such as the one we are writing at this time, never actually affect any of the policy directions, rule making, or planning efforts in any meaningful way. The public and stake holders are growing weary of this type of statement which lacks clarity to define what the participation can achieve.

This policy needs to offer something that has some credibility to it.

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4. We will expand opportunities for dialogue with private landholders. In priority watersheds with a mix of Federal and private lands, we will work with private sector landholders to involve them in the watershed management process. We will work closely to ensure that Federally funded projects involving private cost-share partners fully consider watershed management objectives for both public and private lands.

Comment: Dialogue with private landholders is not enough. This policy fails to offer a mechanism for the Federal agencies to act upon the needs of the private landholders. Words about dialog are empty without way to turn the dialog into actions. We have dialog now.....and it is always directed at us and not with us. We are already involved in the watershed management process and the process is directed from the top down. We are not interested in more of the same. Federally funded projects such as the CREP program are not partnerships. They are takeovers of land for idealistic goals that lack evidence that the programs will do what they claim. Enrolling land in government programs gives the land to the government to manage and the landowner is locked out of the area for the time period the land is enrolled. These programs must be improved before new ones are offered. New programs are needed that are not directed by top-down policies should be designed. One size fits all rarely works.

Oregon Cattlemen are not swayed by your statements. Agencies already have policies and programs and your new policy intended to unify does not improve anything. We prefer this policy by dropped, a realistic approach to watershed assessments be made at the local level, and the agencies should get back to work managing the public lands.

Staying the course is the best solution for Oregon Cattlemen so that we can continue the progress we have made toward the goals and commitments of a sustainable environment. Oregon Cattlemen's Association will continue to work for land, bear the responsibility of fixing what is broke, and enhancing our good stewardship of the land.

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