213

The State
of Wyoming

Department of Environmental Quality

Jim Geringer, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

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April 11, 2000

Ms. Julie Hamilton
State Clearing House Coordinator
Office of Federal Lands Policy
Herschler Building, 1W
Cheyenne, WY 82002

Re: Draft Unified Federal Policy for Federal Agencies, F.R. February 22, 2000, pgs 8834-8839.

Dear Ms. Hamilton:

The Department of Agriculture and Department of Interior have invited comment on a draft Unified Federal Policy, which if signed would ensure that many federal land and resource management agencies would conduct their planning on a watershed approach. As I understand it, the goals of this unified effort are to:

- Use a consistent and scientific approach for resource management.
- Use a watershed approach for planning and management.
- Identify priority watersheds and focus budgets and resources on these areas.
- Use results of watershed assessment to guide planning and management efforts.
- Work closely with States, Tribes, local governments, and other stakeholders.
- Meet their Clean Water Act responsibilities.

As the State Agency charged with implementing Clean Water Act (CWA) goals and objectives in Wyoming, we have long advocated that federal land management agencies should take a greater role in meeting the intent of the CWA. We support this unified effort to coordinate and focus the federal resources to achieve key goals of the Clean Water Act. However, along with this coordinated national effort must come certain precautions and clearly a commitment to additional resources that does not currently exist.

Consistency under Clean Water Goals.

First and foremost, it is important that we not have separate masters implementing the Clean Water Act within each state. Clearly, Congress designated the States to take the lead role in identifying

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213

waterbodies not meeting CWA goals, to determine uses, and to set water quality standards. The Unified Policy must clearly articulate that federal agencies are to work within this framework, to compliment the priorities and goals set by each State/Tribe. The criteria used to identify priority watersheds, for example, should rely upon and not be different from those used by the State. Paragraph II, B.1.b. (Agency Objectives) suggests criteria that may result in different priorities between the state and the federal government.

We certainly support the portion of the policy that directs the federal agencies to work with the States to identify priority watersheds that are made up of significant federal lands and resources.

Consistency in Assessments.

The Policy advocates the use of good science. Wyoming must agree that the nature of these decisions relies on data that is not subjective or biased. However, under Paragraph II, A.1. (Agency Objectives) it is equally important that the federal agencies work with their respective states to develop the appropriate and acceptable science based approach. The approaches and methods utilized by the federal agencies must be consistent with and compliment the state methods, so that interpretations of water quality conditions transcends ownership boundaries.

Additionally, the federal agencies must be willing to make the investment in the minimum assessment methods identified in each state as being appropriate and necessary. As previously noted, this has not been the case today. Along with this commitment must come the resources to meet this standard of excellence.

We certainly support the portion of the policy that directs the federal agencies to work with the States to identify and help develop science based TMDLs and to implement restoration activities in priority watersheds, but this must include a priority to commit resources to these activities.

We appreciate this opportunity to comment on this policy document.

Sincerely,

Dennis Hemmer
Director
Department of Environmental Quality

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