



File Code: 2500/2800

Date: December 15, 2014

Route To:

Subject: National Groundwater Directive

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

On May 7, 2014, the Forest Service published a proposed groundwater directive for public comment and initiated tribal consultation. The intent of the proposed directive is to prevent, when possible, contamination or impact to groundwater from Forest Service proposed activities. We need a consistent systematic approach to evaluation and monitoring of Forest Service proposed activities to ensure that the Forest Service does not take actions that affect people's water without full disclosure. The intent of the proposed directive is to improve environmental analyses and decision making and reduce uncertainty and cost associated with litigation.

The response from the conservation community has generally been favorable. However, states and a number of other organizations raised concerns that the proposed directive would exceed the agency's authorities and infringe on state authorities to allocate water. To help assure that all interested parties had the necessary time to review the proposal and submit comments, I extended the comment period twice for a total of 150 days. By the time the comment period closed on October 3, 2014, the agency had received 255 comment submittals from elected officials, states, tribes, organizations, and individuals from across the country.

As you know, agency directives do not increase agency authority; rather, they are intended to provide structure to existing authority. The proposed groundwater directive would not change the authorities or responsibilities of the states or the Forest Service, nor is it intended to adversely affect the existing water-related relationships between the states and the agency.

I want to ensure that my intent is clear at all levels of the agency. The proposed directive explicitly recognizes the role of states in allocating water and states and tribes in regulating water quality. It requires Forest Service decision makers to work cooperatively with those entities. It is my intent that nothing in the implementation of our stewardship responsibilities infringes on state and tribal allocation and water quality authorities.

I ask you to help us through your contacts to share and discuss with states, tribes, the public, and the media the intent of this proposed directive. I want to assure you that we will not move forward until we are confident that we have identified and can address the concerns raised through the public comment and tribal consultation processes. I have directed my staff to take the time necessary to engage with representatives of states and tribes that have commented on the proposed groundwater directive to make sure we fully understand the nature of their concerns. In addition, after we consider and address all comments received we will develop a revised proposed directive that will be published in the *Federal Register* for public comment and engagement with all interested parties.



Thank you for your continued commitment to reasonable application of the laws and policies that protect National Forest System lands while ensuring access and multiple use of those lands for all Americans.

/s/ Thomas L. Tidwell
THOMAS L. TIDWELL
Chief

