Congress of the United States
Washington, DC 20515

June 24, 2014

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Secretary Vilsack:

We are troubled by the U.S. Forest Service's recently proposed Groundwater Resource Management Directive (Directive) to manage water resources purportedly impacting National Forest System (NFS) lands.

Like other proposals stemming from this Administration, including the Forest Service Planning Rule, the Interim Directive on Ski Area Special Use Permits, the Blueways Secretarial Order and the proposed Clean Water Act Jurisdictional rule, this Directive seeks to further federalize water resources at the expense of state authority. This sweeping proposal additionally seeks to impose water use restrictions and deny agricultural, recreational, and other economic activity in 155 National Forests and their adjacent state, local and private neighbors in 40 states. The end result could be lost jobs and reduced recreational access to public lands, with little or no environmental benefit.

The Directive specifically seeks to "[m]anage surface water and groundwater resources as hydraulically interconnected,"[1] laying the groundwork for unilateral, federally-imposed mandates on the exercise of state-endowed water rights. The Directive further requires Forest Service cooperation with the Environmental Protection Agency[2] and an evaluation of "applications for water rights on adjacent land that could adversely affect NFS groundwater resources and identify any potential injury to those resources."[3] In addition, the Directive appears to expand or modify permit requirements relating to climate change that could impact water users adjacent to NFS groundwater resources.[4] These and other provisions would impose a chilling effect on existing and future water resource development and the uses dependent on that development not only within NFS lands but outside these lands.

We are further concerned that this Directive will lead to regulations that undermine the Forest Service's statutory multiple-use responsibilities for managing the nation's national forests

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[1] U.S. Forest Service, Forest Service Manual Chapter 2560 – Groundwater Resource Management, p. 8, *available at* http://naturalresources.house.gov/uploadedfiles/forestservicegroundwaterresourcesmanagement_chapter2560.pdf.
[2] *Id*, p. 9.
[3] *Id*, p. 17.
[4] Notice of Proposed Directive on Groundwater Resource Management, 79 Fed. Reg. 87, p. 25816 (U.S. Forest Service May 6, 2014) *available at* http://www.gpo.gov/fdsys/pkg/FR-2014-05-06/pdf/2014-10366.pdf.

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and grasslands. The proposed Directive could also encourage litigation and impose de facto federal buffer zones on water users and job creators adjacent to NFS lands. In addition, this action has been pursued without the initial and necessary input from impacted States, farmers, recreationists and ranchers and many others who would be directly impacted by this Directive.

This proposal has reinforced our belief that the Forest Service is continuing its action to override state water laws. We therefore urge you to withdraw this ill-timed and punitive Directive.

Sincerely,

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