



## **FOREST SERVICE BACKS AWAY FROM PROPOSED GROUND WATER DIRECTIVE...FOR NOW**

*February 27, 2015*

**USFS Chief Tom Tidwell** announced during a hearing on the Forest Service's fiscal 2016 budget before the Senate Energy and Natural Resources Committee in response to questioning from **Sen. Cory Gardner** (R-Colo.) that they are stopping work on the proposed directive on groundwater resource management.

The WSLCA, state water management agencies and other groups filed formal comments last fall expressing concern over the manner in which the directive was proposed without broad input from western states and interest groups. Following is a rough transcript of the dialog.

Gardner: Last year the Forest Service released a proposed directive on groundwater resource management. The Forest Service Groundwater directive obviously created a great deal of concern for states like Colorado. Including organizations like the Western Governors Association, the National Water Resources Association, talking about concern not only with the substance of the rule but the lack of stakeholder outreach that went into its development. I'm very concerned about what this means and how this directive was put together and I hope that you would commit right here to improving your outreach to stakeholders and to working with the states and water users to address their concerns and the second part of this question is I'd like to learn more about how this groundwater management directive would work in areas like National Grasslands where you have checkerboard ownership issues like the South Platte water basin and Louisville aquifer where you have connections between the two. I think that is opening up an entire area that has a lot of people concerned.

Tidwell: The proposed directive is something that we have been working on for many years. To have a consistent approach on how to evaluate the impacts of our decisions on groundwater. To prevent contaminating groundwater from our decisions or impacting other people's water, their water rights with our decisions. So we have never had a consistent approach. And there's been times when there's been an inadequate level of analysis and we've gone to court. There's been times when our actions have contaminated groundwater and we've been sued. We need to have a systematic approach so that we minimize any chance of contaminating groundwater. And when our decisions will have an impact on water rights, someone else's water, we need to disclose that. Sometime we don't have any choice. We can mitigate as much as we

can. But sometimes we may, for instance, with a mine proposal, be making a decision, a decision we have to make –need to make- and it may impact water. So we want to be able to work with the states. So where we are today is that we've stopped. We're going to go back, we're going to sit down primarily with the states, state water engineers, and to really sit down with them and get their ideas about how we can do this and ideally how we can do it together. There's some opportunities where some states are well positioned to provide this for us, to do the analysis that we can use so that is where we are at right now. We are going to stop, we are going to continue working with the states until we figure out the right way to go forward with this. And then meanwhile, I expect in some forests we're probably going to do more analysis than we need to, hopefully in someplace we won't do less and end up in court again, but that is our approach right now. It is something that we have been working on for years.

Gardner: What about stakeholder outreach. Will you commit to increasing more?

Tidwell: (nods head 'yes')

Gardner: Thank you