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**Committee on Natural Resources**  
**Washington, DC 20515**

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March 12, 2015

Mr. Tom Tidwell  
Chief  
U.S. Forest Service  
201 Fourteenth Street SW  
Washington, DC 20024

Dear Chief Tidwell:

As you know, bipartisan concern exists over the U.S. Forest Service's (Forest Service) Proposed Directive on Groundwater Resource Management (Groundwater Directive). To date, there are many unanswered questions and growing issues on this far-reaching proposal that would impact 155 National Forests and adjacent lands and waters across the country. While we understand that you have put the Groundwater Directive on a temporary "hold"<sup>1</sup>, we urge you to withdraw it permanently to allow states to continue their longstanding groundwater management.

In the attached bipartisan letter, the Western Governors Association asked numerous legitimate questions over the legal basis, the potential federal usurpations of state groundwater authority and the process involving the Groundwater Directive.<sup>2</sup> There are similar questions, including:

- Does the Forest Service believe that state agencies are not fulfilling their groundwater responsibilities? Why has the Bureau of Land Management not proposed a similar policy if, in fact, there is a problem with state groundwater management?

<sup>1</sup> <http://westgov.org/news/340-news-2015/889-forest-service-puts-groundwater-directive-on-hold-to-enable-increased-engagement-with-western-states>

<sup>2</sup> [Western Governors Association Letter](#)

- What problems prompted the Forest Service to propose the Groundwater Directive? Can you provide a list of project examples where the Forest Service is planning to require additional groundwater analyses, and why that additional analysis is necessary and not adequately addressed by other agencies?
- Since the Groundwater Directive proposes to evaluate “applications for water rights on adjacent land that could adversely affect NFS groundwater resources and identify any potential injury to those resources,”<sup>3</sup> what existing or potential water rights applications prompted this proposed evaluation requirement?
- Testimony presented to the House Natural Resources Committee asserted that the proposed Groundwater Directive would conflict with a Memorandum of Understanding between the Forest Service and the State of Wyoming.<sup>4</sup> Has the Forest Service examined how its proposal would impact this and other agreements between states?
- Federal regulation of surface and groundwater “connectivity” can lead to tremendous uncertainty on state-adjudicated water rights, especially in states where large portions of water originates on Forest Service lands.<sup>5</sup> How would such regulation protect water rights and the communities and livelihoods that depend on these water rights?
- Would the Groundwater Directive lead to a permitting system since it mentions the Forest Service’s need for “approving a proposed use”.<sup>6</sup>

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<sup>3</sup> Proposed Groundwater Directive, at 17

<sup>4</sup> Testimony of Mr. Patrick Tyrrell, Wyoming State Engineer, at 2

<sup>5</sup> Testimony of Mr. Randy Parker, Chief Executive Officer, Utah Farm Bureau Federation, at 10

<sup>6</sup> Proposed Groundwater Directive, at 8, 28, 39

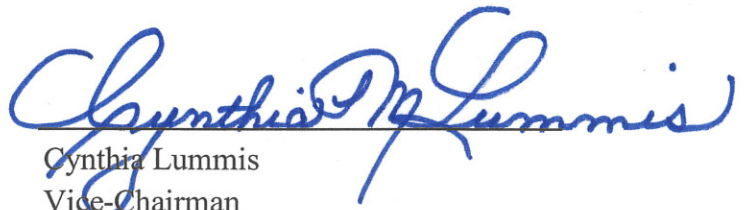
Chief Tidwell  
March 12, 2015  
Page 3

In light of the fact that the above questions remain, we believe the Forest Service has failed to justify the need for this new policy. The end result has been uncertainty and growing distrust between the Forest Service and state and local governments. Since putting this proposal on a temporary hold only increases uncertainty, we urge you to withdraw this misguided and unnecessary policy on a permanent basis.

Sincerely,



Rob Bishop  
Chairman  
Committee on Natural Resources



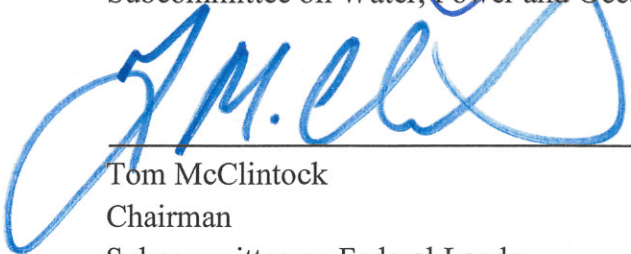
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Committee on Natural Resources



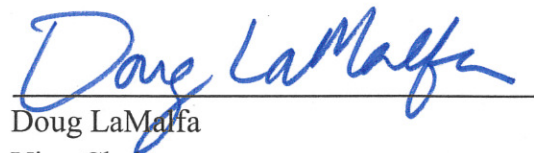
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cc: Raul Grijalva, Ranking Member