

## McLaughlin, Kimberly S HQ02

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**From:** Jerry\_Magee@blm.gov  
**Sent:** Tuesday, January 29, 2008 8:11 PM  
**To:** McLaughlin, Kimberly S HQ02  
**Cc:** Rosemary\_Mazaika@blm.gov; Shannon\_Stewart@blm.gov; Leslie\_Frewing-Runyon@or.blm.gov; Kim\_Titus@blm.gov; Mike\_Barnes@blm.gov  
**Subject:** Re: Docket No. COE-2007-0038, Exemptions for Construction or Maintenance of Irrigation Ditches and Maintenance of Drainage Ditches under Section 404 of the Clean Water Act

**Importance:** High

Dear Ms. McLaughlin,

The subject Regulatory Guidance Letter (RGL 07-02) has been reviewed by Bureau of Land Management program specialists in Oregon and Washington. Our comments were compiled and summarized by Rosemary Mazaika, our Oregon-Washington Environmental Protection Specialist for Watershed and Riparian Resources. Please consider the following comments as they relate to your proposed guidance:

The Bureau of Land Management appreciates the opportunity to review and provide comment regarding the subject RGL 07-02 (Docket No. COE-2007-0038). The BLM has relevant expertise and information with respect to the project. We also have specific concerns with the provisions for construction and maintenance of irrigation ditches. If we are interpreting the language correctly, an irrigator could potentially construct or create a new ditch on BLM-administered lands without the agency being made aware of the action (unless a Right of Way is requested). In the absence of permit review, the BLM may not be made aware of actions on BLM-administered lands. This is of particular concern where BLM administers isolated parcels or where BLM holdings are remote and difficult to access. A second, equally compelling concern is related to the potential for irrigation ditches to be point sources of pollution. In the John Day Basin in particular, stories have been recounted about irrigation ditches that failed and caused discharge to the John Day River that was observable 40 miles downstream. Although these accounts are anecdotal, they are reflective of the issue that irrigation returns could constitute a point source of pollution for temperature, turbidity, pesticides or fertilizers. In the absence of a permit process for reviewing details about how these ditches will be administered, potential sources of pollution and associated flows could go unaccounted.

If you have any questions about these comments, please contact either Rosemary Mazaika at (503) 808-6076 or Jerry Magee at the number below.

Thank you for this review and comment opportunity.

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Jerry Magee  
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