

Jim B

Utah Nonpoint Source Pollution MOU

70 22 32



Strawberry River Restoration Project, Wasatch County

January 6th, 2017



*This MOU was generated in cooperation with
The Utah Water Quality Task Force*





January 6, 2017

Dear Water Quality Partners,

To better address nonpoint source pollution in the State of Utah, the Division of Water Quality has to develop the following MOU to better collaborate with our partners in our collective efforts to protect and restore water quality throughout the state.

The purpose of this MOU is to coordinate state and federal agency activities for nonpoint source water quality protection, monitoring and improvement activities on federal and state lands within the State of Utah. This MOU outlines the roles and responsibilities of partners in implementing the nonpoint source water quality provisions of the federal Clean Water Act, the Utah Water Quality Act, and the Utah Nonpoint Source Pollution Management Plan and addendums.

This MOU was last updated in 2009 and is reviewed and updated or modified every five years as needed.

The Division of Water Quality would like to thank all of our partners for their participation in drafting this document, and their ongoing efforts to help address the nonpoint source pollution issues that exist in the State of Utah.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bowcutt".

Jim Bowcutt

Utah Nonpoint Source Program Coordinator
Utah Department of Environmental Quality
Utah Division of Water Quality

MEMORANDUM OF UNDERSTANDING
IMPLEMENTING THE NONPOINT SOURCE POLLUTION WATER QUALITY PROGRAM
IN THE STATE OF UTAH

I. PARTIES TO THE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made among: Utah Division of Water Quality (DWQ), Utah Department of Agriculture and Food (UDAF), Utah Division of Forestry, Fire and State Lands (FFSL) Utah Division of Wildlife Resources (UDWR); U.S. Department of Agriculture, Forest Service, Intermountain Region (FS); the U.S. Department of Interior (USDI), Bureau of Land Management (BLM) and National Park Service (NPS) within the State of Utah.

II. PURPOSE

The purpose of this MOU is to coordinate state and federal agency activities for nonpoint source water quality protection, monitoring and improvement activities on federal and state lands within the State of Utah. This MOU outlines the roles and responsibilities of the parties in implementing the nonpoint source water quality provisions of the federal Clean Water Act, the Utah Water Quality Act, and the Utah Nonpoint Source Pollution Management Plan and addendums.

III. DEFINITIONS

Best Management Practice (BMP): Practices, techniques, or measures developed or identified by the designated agency and identified in the state Nonpoint Source Pollution Management Plan, which are determined to be a cost-effective and practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals.

Federal Land Management Agencies: For this MOU only, the Bureau of Land Management (BLM), National Park Service (NPS), and Forest Service (FS) collectively are identified herein as the Federal Land Management Agencies.

Federal Lands: For this MOU only, lands administered within the State of Utah by the USDA, Forest Service (National Forest System (NFS) lands), USDI, Bureau of Land Management (National

System of Public Lands) and USDI, National Park Service, collectively are identified herein as Federal Lands.

Nonpoint Source Pollution: Ground and surface water pollution that comes from varied and diffuse sources and can be categorized by the general land disturbing activity that causes the pollution.

IV. AUTHORITIES, ROLES, AND RESPONSIBILITIES

Utah Department of Environmental Quality - Division of Water Quality

Authorities:

The Utah Water Quality Board and the Division of Water Quality staff are charged to maintain, protect, and enhance the quality of Utah's surface and ground water resources. The statutory authority for the **Board is contained in** Utah Code Ann. §§ 19-5-101 to -124, which describe the responsibilities and activities of the Water Quality Board and Division of Water Quality.

Roles:

The Division of Water Quality (DWQ) serves as the lead agency for the State Nonpoint Source Pollution Management Program pursuant to the Nonpoint Source Pollution Management Plan of May 2013. Among other regulatory programs, DWQ is the designated state agency responsible for the development and implementation of water quality standards, Total Maximum Daily Loads (TMDLs), the nonpoint source program, and water quality certifications (401 certification) of the Army Corps of Engineer's 404 Permits. DWQ acts as the Grantee for the Clean Water Act section 319 funds and assumes ultimate responsibility for monitoring and reporting of grant performance to the EPA. 33 U.S.C. § 1329. TMDLs are water quality restoration plans required for waterbodies assessed as impaired for one or more designated beneficial uses. Total Maximum Daily Loads (TMDLs) include an identification of all sources of the pollutant impairing the beneficial use, a determination of the maximum allowable load of that pollutant and an allocation of this allowable load among the various sources including both point and nonpoint sources. The Division of Water Quality also provides Water Quality Certifications pursuant to section 401 of the Federal Clean Water Act. 33 U.S.C. § 1341.

Responsibilities:

Utah Water Quality Act, Utah Code Ann. §§ 19-5-101 to -124.

The Utah Water Quality Act (WQA) is the enabling legislation for Utah's water quality protection program. The act establishes the Water Quality Board, the Division of Water Quality and Utah's Water Quality Rules, Utah Admin. Code R. 317. The following selected rules implement the provisions of the Water Quality Act.

Standards of Quality for Waters of the State, Utah Admin. Code R. 317-2.

Utah's Water Quality Standards are the result of the process outlined in 40 C.F.R. § 131 as authorized under section 303 of the Clean Water Act (CWA). 33 U.S.C. § 1313. Water quality standards are defined by the uses of the water and by the criteria necessary to protect those uses. Water quality standards are established to protect aquatic wildlife, recreational uses, public water supplies and agricultural uses as designated. The standards serve the dual purpose of establishing the water quality goals for a specific water body and serve as the regulatory basis for the establishment of water quality based treatment controls and strategies for permitted point source discharges. Water quality standards also serve as the basis for assessments of beneficial use support, establishment of TMDLs and the implementation of nonpoint source pollution control plans and BMPs to achieve water quality goals.

Utah Department of Agriculture and Food

Authorities:

The Utah Conservation Commission (UCC) is authorized under Title 4, Chapter 18 of the Utah Code. Under the Purpose Declaration (4-18-102) of the act, it states that the Legislature finds and declares that the soil and water resources of this state constitute one of its basic assets and that the preservation of these resources requires planning and programs to ensure the development and utilization of these resources and to protect them from the adverse effects of wind and water erosion, sediment, and sediment related pollutants. The Legislature also finds that sustainable agriculture is critical to: the success of rural communities; the historical culture of the state; maintaining healthy farmland; maintaining high water quality; maintaining abundant wildlife; high-quality recreation for citizens of the state; and helping to stabilize the state economy. This includes encouraging agricultural producers to

operate in a manner that maintains the integrity of the state's resources, particularly through the administration of the Utah Agriculture Certificate of Environmental Stewardship (ACES) Program.

Roles:

The Utah Department of Agriculture and Food has several programs to help meet this statutory requirement which include the Grazing Improvement Program (GIP), Agricultural Certificate of Environmental Stewardship (ACES), Agriculture Resource Development Fund (ARDL), Invasive Species Mitigation Program (ISM), the Colorado River Basin Salinity Control Program (CRBSCP) and Coalmine Offset Program. GIP was created to improve livestock grazing and rangeland conditions (including riparian areas) by providing cost share grants for projects and to improve grazing management in Utah. GIP can assist and participate on private, state and federal owned lands to improve grazing opportunity and watershed health. The ACES program was designed to assist producers in evaluating their environmental risk, implementing of best management practices on their operation and complying with existing regulations. ARDL makes loans for rangeland improvement and management projects such as watershed protection and flood prevention projects, cropland soil and water conservation projects, programs designed to promote energy efficient farming practices, development and implementation of coordinated resource management plans, and agriculture product storage or protection. The ISM, in cooperation with the State, County, and Cooperative Weed Management Areas (CWMAs), also seek to control invasive species which are detrimental to rangeland conditions and watershed health. The CRBSCP and Coalmine Offset Programs are also administered through UDAF to provide funding for qualified agricultural producers to reduce salt transport and erosion through funding irrigation practice improvements in approved salinity areas.

Responsibilities:

Provide funding, education and other resources for the implementation of agricultural best management practices to control nonpoint source pollution from agricultural activities on private, state and federal lands. Improve rangeland and riparian conditions under the GIP, ACES, ARDL, ISM, CRBSCP and Coalmine Offset programs and monitor the effectiveness of program implementation.

Utah Division of Forestry, Fire & State Lands

Authorities:

The Utah Forest Practices Act (Utah Code Ann. §§ 65A-8a-101 to 106) requires operators to register with FFSL, and to notify FFSL prior to commencing any forestry practices on state or private lands. Utah Admin. Code R. 652-140 outlines the specific registration and notification requirements.

Roles:

FFSL implements strategies identified in the Utah Tomorrow Strategic Plan (Utah Tomorrow Resolution S.C.R. 4, adopted during the Utah Legislature 1995 General Session) to serve in a technical advisory role to federal, state, and local land management agencies for non-point source water quality issues. These strategies include: *"Promote excellence in environmental quality, including programs for air, water and fauna, flora and soil, and for activities in pollution prevention, cleanups, emissions reductions, public education and cost-effectiveness of controls. . . . Encourage partnerships between those parties who manage, develop, and utilize renewable and nonrenewable resources. . . . Improve coordination between federal, state, and local government in land-use planning."* S.C.R. 4, 56th Leg., (Ut. 1995).

Responsibilities:

FFSL assists private landowners with implementing Utah's voluntary Forest Water Quality Guidelines (FWQG). FFSL uses operator notifications as a mechanism to identify where forestry activities are occurring in the state in order to monitor compliance with FWQG.

Forest Stewardship Plans (FSP) are also developed for private landowners who are interested in long-term maintenance of water quality, forest products, and other watershed values. Funding is provided in part by grants from the U.S. Forest Service. These FSP's are implemented in part using Environmental Quality Incentives Program (EQIP) cost-share grants provided by the federal Natural Resources Conservation Service (NRCS).

While performing work on federal lands under the Consolidated Appropriations Act (Division E --Department of the Interior and Related Agencies Appropriation Act, 2005), Pub. L. No. 108-447, 118 Stat. 2809, 3102, Section 337(a) (Federal and State Cooperative Forest, Rangeland, and Watershed Restoration in Utah), as amended by the Consolidated Appropriations Act

(Division F-Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008),

Pub. L. No. 110-161, 121 Stat. 1844, 2149, Section 420, the appropriate federal regulations are followed.

Utah Division of Wildlife Resources

Authorities:

The Utah Division of Wildlife Resources (Division) presently operates under authority granted by the Utah Legislature in Title 23 of the Utah Code. The division was created and established as the wildlife authority for the state under Section 23-14-1 of the Code. This Code also vests the Division with its functions, powers, duties, rights, and responsibilities. The Division's duties are to protect, propagate, manage, conserve, and distribute protected wildlife throughout the state.

The Utah Division of Wildlife Resources is charged to manage the state's wildlife resources and to assure the future of protected wildlife for its intrinsic, scientific, educational and recreational values. Protected wildlife species are defined in code by the Utah Legislature.

Roles:

The Division implements terrestrial and aquatic habitat enhancements throughout Utah to address the management needs of the state's wildlife resources, including fish populations. As part of fish habitat enhancement efforts, the Division conducts stream restoration actions statewide. Given that water quality problems are often the result of degraded aquatic habitats, fish habitat enhancement efforts are often undertaken as part of water quality improvement projects developed to address nonpoint pollution resulting from erosion, overgrazing, or other causes.

Responsibilities:

In partnership with NRCS, DEQ, and other agencies and NGO, the Division assists private landowners with stream restoration projects designed to minimize landowner impacts related to flooding and erosion. Additionally, Division personnel work with BLM and USFS personnel to address stream degradation on federally-owned lands throughout Utah. Both efforts function to enhance water quality in Utah's watersheds. In partnership with UDEQ, the Division now undertakes stream restoration projects in

a prioritized fashion to maximize the benefit of state and federal water quality improvement funding (e.g., EPA 319 and NPS) within Targeted Watersheds.

United States Department of Agriculture, Forest Service

Authorities:

The Forest Service (FS) has the statutory authority to manage, regulate and enforce land-use activities on National Forest System (NFS) lands. The Organic Act of 1897, (16 U.S.C. § 475), the Multiple Use Sustained Yield Act of 1960, Pub. L. No. 86-527, (54 U.S.C. § 100301-100302), and the National Forest Management Policy Act of 1976, as amended by the Omnibus Parks and Public Lands Management Act of 1996, Pub. L. No. 104-333, 110 Stat. 4093 (16 U.S.C. § 1600) and other laws, rules and policy direct the FS to regulate the occupancy and use of National Forest System lands, including those activities that may affect water quality.

Roles:

The FS is responsible for the management of approximately 8.1 million acres of NFS lands in Utah. These lands form the headwaters of many of Utah's watersheds and support numerous beneficial uses of the rivers, streams, lakes and reservoirs within and downstream of NFS lands. All surface waters geographically located within National Forest System boundaries (with certain exceptions) are designated Category 1 Waters (Utah Admin. Code R. 317-2-12.1). The FS is responsible to protect, restore and maintain water quality for these waters on NFS lands in Utah.

Responsibilities:

As the recognized management agency for NFS lands in Utah, the FS is responsible for (1) implementing nonpoint source pollution controls; and (2) meeting Utah water quality standards and antidegradation policy, including protection of designated beneficial uses. Section 313 of the Clean Water Act (33 U.S.C. § 1323), further directs the FS to meet federal, state, interstate and local substantive and procedural requirements respecting the control and abatement of pollution in the same manner, and to the same extent, as any nongovernmental entity.

The FS nonpoint source pollution control policy originates from the nonpoint source strategy (Forest Service Manual (FSM) 2532 - Water Quality Management and Forest Service Handbook (FSH) 2509.22 - Soil and Water Conservation Handbook, including policy

updates). The FS nonpoint source strategy includes: applying, monitoring and adjusting BMPs for all FS and FS approved activities that may impair water quality; evaluating and addressing potential water quality impacts during environmental analysis; and identifying and implementing priority restoration needs; and applying mitigation actions as necessary to ensure that Utah Water Quality Standards are met and designated beneficial uses of water are protected. By implementing these and other actions the FS will apply its nonpoint source strategy to all activities on NFS lands that may degrade water quality.

The FS also coordinates water quality programs and activities with local, state and federal agencies, affected public lands users, neighboring land owners, and other affected interests.

U.S. Department of Interior, National Park Service

Authorities:

The National Park Service, under its Organic Act of 1916, 39 Stat. 535 (54 U.S.C. §§ 100301-100302), is directed to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 U.S.C. § 1).

The National Park Service manages approximately 2,110,837 acres in Utah that are famous for outstanding scenery and water bodies of national significance. The Park Service has statutory authority to regulate, permit and enforce most land-use activities on National Park lands that affect water quality pursuant to section 208 of the CWA (33 U.S.C. § 1288).

Roles:

The Management Policies 2006, National Park Service (NPS 2006 § 4.6.3 - Water Quality) encourages Parks to work with appropriate governmental bodies to obtain the highest possible standards available under the Clean Water Act for the protection of park waters; take all necessary actions to maintain or restore the quality of surface waters and groundwaters within the parks consistent with the Clean Water Act and all other applicable federal, state, and local laws and regulations; and enter into agreements with other agencies and governing bodies, as appropriate, to secure their cooperation in maintaining or restoring the quality of park water resources.

Responsibilities:

The Clean Water Act (33 U.S.C. § 1323) directs the National Park Service as a federal agency with jurisdiction over property to meet federal, state, interstate and local substantive as well as procedural requirements respecting control and abatement of pollution. It goes further in specifically referencing National Parks by stating "[w]here high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected" (40 C.F.R. § 131.12). Thus, the integrity and character of pristine water bodies should be maintained in accordance with the antidegradation provision of the CWA to ensure sustainable ecological function and enjoyment by park visitors.

The National Park Service is the recognized nonpoint source management agency on the lands under its management (40 C.F.R. § 130.9(d)). For waters that originate or lie wholly within park units, anthropogenic activities should be managed so that they have minor or negligible impacts on water quality according to defined levels of impact under National Environmental Protection Act (NEPA) (NPS 2003, pg 25). Furthermore, the Park Service has the goal of maintaining or improving surface water quality consistent with state and federal water quality standards and actively seeks to cooperate with other local, state and federal agencies as well as affected public land users.

The National Parks Omnibus Management Act of 1998, Pub. L. No. 105-391, 112 Stat. 3497, 3499, 3500 (Title II, National Park System Resource Inventory and Management §§ 201, 206) (16 U.S.C. §§ 5931, 5936) directs the Park Service to use information gathered in monitoring and research for park management purposes. Thus the National Park Service works cooperatively with other agencies to inventory, monitor, and evaluate water quality data necessary for proper management of public lands.

U.S. Department of Interior, Bureau of Land Management

Authorities:

The Federal Land Policy and Management Act of 1976, Pub. L. No. 94-579, 90 Stat. 2743 (43 U.S.C. § 1701), establishes BLM's statutory authority to manage, regulate, authorize, and enforce multiple and interdisciplinary land use activities that may affect water quality. BLM is directed to manage the National System of Public Lands in a manner that will protect the quality

of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource [*emphasis added*], and archeological values while providing food and habitat for fish, wildlife, domestic animals, and also provide for outdoor recreation and human use and occupancy.

Additionally, as provided by regulations, developed by the Secretary of the Interior on February 22, 1995, (43 C.F.R. § 4180.1) Four fundamentals of Rangeland Health were adopted as goals for BLM management. The third Fundamental of Rangeland Health states that water quality complies with State water quality standards and achieves or is making significant progress towards achieving established BLM management objectives. Utah BLM has adopted the standard that "BLM will apply and comply with water quality standards established by the State of Utah (R3172) and the Federal Clean Water and Safe Drinking Water Acts. Activities on BLM Lands will fully support the designated beneficial uses described in the Utah Water Quality Standards, (R.317-2) for surface and groundwater." Standard 4, Bureau of Land Management, Rangeland Health Standards and Guidelines, Utah Rangelands Health Standards.

In 1984, Pub. L. No. 98-569, 98 Stat. 2939, amended the 1974 Colorado River Basin Salinity Control Act, Pub. L. No. 93-320, 88 Stat. 266 (1974) (43 U.S.C. §§ 1571-1599) and directed the Secretary to develop a comprehensive program for minimizing salt contributions from lands administered by the BLM. This is primarily accomplished through activities to reduce nonpoint source pollution.

Roles:

BLM is responsible for the administration, management, and protection of approximately 23 million acres of public land in Utah. BLM lands are frequently at the middle to lower elevations of sub-basins and basins throughout Utah, and are often intermingled with and/or adjacent to State Institutional Trust Lands Administration (SITLA) lands, private lands, and other lands.

BLM is the recognized management agency for nonpoint source management on federal public lands under its {BLM's} jurisdiction. In this capacity, BLM's goals are to maintain or improve surface and ground water quality consistent with state and federal water quality standards and at the same time minimize harmful consequences of activities that result in

nonpoint source pollution. BLM inventories, monitors, and evaluates water quality data, as necessary for the proper management of public lands. BLM also coordinates its water quality activities with the local, state, and federal agencies, affected public land users, adjoining land owners, and other affected interests. The BLM is a member of the Utah Partners for Conservation and Development and several sub-basin watershed restoration partnerships that are focused on watershed restoration and the improvement of water quality.

Utah BLM manages lands to protect water quality and support beneficial uses in accordance with applicable laws and regulations.

Responsibilities:

The Federal Water Pollution Control (Clean Water) Act [33 U.S.C. §§ 1251-1387], requires federal agencies to meet federal, state, interstate, and local substantive as well as procedural requirements respecting control and abatement of water pollution. Utah BLM recognizes that the biennial Utah 303(d) List of Impaired Waters and annual 305(b) Integrated Report, as published by the Utah Division of Water Quality (pursuant to section 303(d) of the Clean Water Act) in coordination with the U.S. Environmental Protection Agency, are key documents in the management of the water quality of water bodies in Utah. Utah BLM Standards for Rangeland Health and Guidelines for Grazing Management (1997) (BLM-UT-GI-97-001-4000) establish the goal that surface and ground water on public lands comply with Utah Water Quality Standards.

V. THEREFORE, THE PARTIES MUTUALLY AGREE:

1. To cooperate in the protection, restoration, enhancement and management of water resources in the State of Utah to the extent of each agency's authority, expertise, and resources.
2. To comply with the Federal Water Pollution Control Act (Clean Water Act, Pub. L. No. 92-500, 86 Stat. 816 (1972)) Section 208, (33 U.S.C. § 1288) and with the nonpoint source control Sections (319 and others) of the Clean Water Act, (33 U.S.C. § 1329), and applicable executive orders.
3. To implement the Standards of Quality for Waters of the State, Utah Admin. Code R. 317-2 on Federal Lands.

4. To implement the Utah Nonpoint Source Pollution Management Plan (2013)
<http://www.deq.utah.gov/ProgramsServices/programs/water/nps/mgmtplan2013/index.htm> and addendums and conduct applicable activities and programs consistent therewith. To participate with DWQ in updating such plans or developing new addendums.
5. To coordinate pollution control and abatement programs particularly as they relate to implementation of Total Maximum Daily Loads (TMDLs) on impaired waterbodies.
6. To develop cooperative and/or complementary water quality monitoring systems for water quality assessments and determination of TMDLs, share technical expertise, and promote research on water quality management practices.
7. To coordinate water quality monitoring activities and cooperate in the collection, analysis and processing of water quality samples when the efforts are mutually beneficial to the Federal Land Management Agencies and the State. Cooperative monitoring programs between the State and the Federal Land Management Agencies will be described in detailed Sampling Analysis Plans (SAPs) and resource commitments will be made through project-specific agreements. These SAPs will be reviewed by the agency collecting the data, and the Monitoring Section of the Division of Water Quality to verify that the data that is being collected will serve the purpose it is intended for.
8. To develop and implement Best Management Practices (BMP's) for activities and uses of forest and rangelands with intent to meet State water quality standards.
9. To annually review selected projects for BMP implementation and effectiveness. A review team will include representatives from the DWQ, UDAF, FFSL and the relevant Federal Land Management Agencies.
10. To hold annual meetings each spring to coordinate efforts of the Federal Land Management Agencies and DWQ, UDAF and

FFSL. The meetings will be arranged by the DWQ with coordination from the Federal Land Management Agencies.

11. To cooperate across administrative boundaries to maintain or improve water quality where possible. Cooperative efforts include sharing data and collaborating on project planning and implementation efforts.

VI. THE STATE AGENCIES AGREE:

DEQ-Division of Water Quality agrees to:

1. DEQ Division of Water Quality recognizes the National Park Service, BLM, US Forest Service, and Utah Division of Wildlife Resources as the Designated Management Agency (DMA) for nonpoint source pollution control and implementing State and Federal water quality rules and regulations on lands under each agency's jurisdiction.
2. Coordinate annually the development and implementation of a cooperative monitoring program.
3. Work actively with the Federal Land Management Agencies to develop and implement TMDLs for impaired waters on federal land.
4. Coordinate and conduct annual water quality management program coordination and education meetings.
5. Coordinate nonpoint source water quality management planning and implementation efforts by the State with the Federal Land Management Agencies where Federal Lands are involved and discuss these efforts during the annual coordination meeting.
6. Invite Federal Land Management Agency representation on policy or technical advisory committees that relate to forest, rangeland and riparian management.
7. Provide technical assistance to the extent resources and manpower are available in project planning and development as requested by the Federal Land Management Agencies.

8. Review the Federal Land Management Agencies' proposed projects and activities scheduled for NEPA process, participate in those affecting water quality, and provide timely comments as appropriate.
9. Inform Federal Land Management Agencies of applicable environmental quality laws, rules, policies and guidelines for review during the development stages and for information following publication.
10. Provide instructors and resource expertise when requested for Federal Land Management Agency training and education as determined mutually beneficial.
11. Keep the Federal Land Management Agencies informed of present and proposed water quality monitoring activities within or adjacent to the Federal Lands and discuss during the annual coordination meeting.
12. Any information furnished to DWQ, UDAF, DWR and the FFSL under this instrument is subject to the Government Records and Access Management Act (Utah Code Ann. Title 63G, Chapter 2).

Utah Department of Agriculture and Food agrees to:

1. Provide funding, education and other resources for the implementation of agricultural best management practices to control nonpoint source pollution from agricultural activities on private, state and federal lands. Improve rangeland and riparian conditions under the GIP, ACES, ARDL, ISM, CRBSCP and Coalmine Offset programs and monitor the effectiveness of program implementation.
2. Participate in the Water Quality Taskforce.
3. Verify that grant programs will evaluate the environmental benefit or impacts of each project that is implemented, and special consideration will be given to projects that help improve natural resources in the ranking process whenever possible.

The Division of Forestry, Fire & State Lands agrees to:

1. Monitor and report operator compliance with Utah's Forest Water Quality Guidelines on state and private forestlands, pending available funding.

2. Provide technical assistance and partnerships with other agencies and organizations through participation on Utah's Nonpoint Pollution Task Force, and other state cooperative water quality monitoring programs.
3. Cooperate with the Federal Land Management Agencies for project implementation and water quality monitoring associated with Good Neighbor Authority projects, as applicable.

The Division of Wildlife Resources agrees to:

1. Work with private, local, state and federal interests to implement stream restoration projects that address nonpoint pollution where such pollution might impact Utah's wildlife resources.
2. Provide technical assistance and partnerships with other agencies and organizations through participation on Utah's Nonpoint Pollution Task Force, and other state cooperative water quality monitoring programs.
3. Perform monitoring of biological responses to stream restoration actions in coordination with DEQ- Division of Water Quality personnel.

VII. THE FEDERAL LAND MANAGEMENT AGENCIES AGREE:

1. The Federal Land Management Agencies will be subject to, and comply with, state requirements related to the abatement of nonpoint source pollution in the same manner and to the same extent as any non-governmental entity.
2. To cooperate with DWQ to develop appropriate implementation strategies needed to meet water quality standards and support all beneficial uses according to state water quality standards pursuant to CWA Section 303, (33 U.S.C. § 1313) and Utah Admin. Code Rule R. 317-2 (Standards of Quality for Waters of the State), for all water bodies on Federal Lands, including, but not limited to, Total Maximum Daily Load (TMDL) studies and implementation plans.

3. To implement an adaptive management concept for the control of nonpoint source pollution on Federal Lands. Implementation, effectiveness and validation monitoring will be used to determine the success of nonpoint source pollution control measures. As available, monitoring data will be used to provide information needed to refine best management practices (BMP's), or to protect beneficial uses of water and to assess compliance with applicable state water quality standards.
4. To conduct an internal review of nonpoint source management activities which may significantly impact water quality and to prepare annual agency reports for inclusion in the DWQ's State Nonpoint Source Annual Report.
5. As requested, to provide DWQ available information on site specific water quality conditions, BMP monitoring and effectiveness determinations and other applicable information necessary for inclusion in DWQ's Integrated Report according to Clean Water Act Sections 303 and 305(b).
6. As requested, to cooperate with DWQ in setting implementation priorities for 303(d) (33 U.S.C. 21 § 1313(d)) listed water bodies on Federal Lands.
7. To prioritize watershed restoration activities to reduce, eliminate, or prevent nonpoint source pollution on Federal Lands.
8. To ensure that all new and renewed land use plans, leases, contracts, special use authorizations, easements, right-of-way documents and other agreements involving permitted or contracted activity on Federal Lands (as applicable), contain provisions for compliance with all water pollution control statutes and regulations (federal and state) under the authority of the Clean Water Act and the Utah Water Quality Act.
9. To include DWQ at the appropriate time during NEPA scoping for projects on Federal Lands with potential to impact water quality.

10. To notify the State of all known spills of oil or hazardous materials on Federal Lands.

VIII. IT IS FURTHER AGREED:

1. The agencies identified in this MOU agree to work together; however, in cases of conflict an opportunity will be provided for informal resolution prior to taking other actions provided by law.
2. That nothing in this MOU shall be construed as limiting, enlarging, or affecting in any way the respective legal authority and duties of DWQ, UDAF, UFFSL, UDWR, or the Federal Land Management Agencies in connection with the administration and protection of Federal Lands in accordance with federal laws and regulations.
3. That nothing in this MOU shall be construed as obligating the parties to this MOU to expend funds in any contract or other obligation for future payment of funds or services in any contract in excess of those available or authorized for expenditure by each party.
4. That the parties will review this MOU every five years and make revisions and updates, as needed, to meet the purpose of the MOU. Amendments shall become effective following written approval of all parties.
5. That this MOU shall become effective upon signature of all parties and shall continue in force for ten years from the date of the last signatory, unless terminated by written consent of all the parties, or by any party upon thirty days notice in writing to the other parties of the intention to terminate upon a date indicated.
6. The MOU signed July 24, 2009 and July 10, 2009 with BLM and FS respectively is terminated and replaced upon approval and execution of this MOU.

7. That each provision of this MOU is subject to the applicable laws and rules of the State of Utah, and the laws and regulations of the United States.
8. That nothing in this MOU shall be construed as creating a cause of action between any of the parties, or for any other person or entity.
9. That any information furnished to the Federal Land Management Agencies under this instrument is subject to the Freedom of Information Act (5 U.S.C. § 552).
10. That the parties will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
11. The principal representatives to this MOU are:

**Utah Division of Water
Quality, Project Contact**

Jim Bowcutt
Nonpoint Source Coordinator

P.O. Box 144870
Salt Lake City, UT
84114-4870
Phone: (801) 536-4336
FAX: (801) 536-4301
E-Mail: jdbowcutt@utah.gov

**Utah Dept. of Agriculture
and Food, Project Contact**

Jay Olsen
Plan Industry and
Conservation Division
P.O. Box 146500
Salt Lake City, UT
84114-6500
Phone: (801) 538-7174
FAX: (801) 538-9436
E-Mail: jayolsen@utah.gov

**Utah Division of Wildlife
Resources**

Craig Walker
Aquatics Section Coordinator
1594 W. North Temple
P.O. Box 146301
Salt Lake City, Utah 84114-
6301
Phone: (801) 834-1970
E-mail: craigwalker@utah.gov

**Utah Division of Water
Quality, Administrative
Contact**

Walter Baker, P.E.
Director, Division of Water
Quality
P.O. Box 144870
Salt Lake City, UT
84114-4870
Phone: (801) 536-4312
FAX: (801) 536-4301
E-Mail:
wbaker@utah.gov

**Utah Dept. of Agriculture
and Food, Administrative
Contact**

Robert Hougaard
Plant Industry and
Conservation Division
P.O. Box 146500
Salt Lake City, UT
84114-6500
Phone: (801) 538-7180
FAX: (801) 538-9436
E-Mail:
rhougaard@utah.gov

**Utah Division of Wildlife
Resources, Administrative
contact**

Gregory Sheehan
Director, Utah Division of
wildlife Resources
1954 W. North Temple
P.O. Box 146301
Salt Lake city, Utah
84114-6301
Phone: (801)538-4702
E-mail: Gregsheehan@utah.gov

**Utah Division of Forestry,
Fire and State Lands,
Project Contact**

Bill Zanotti
Forest Stewardship
Coordinator
Division of Forestry, Fire &
State Lands
1594 West North Temple
P.O. Box 145703
Salt Lake City, UT
84114-5703
Phone: (435) 260-9809
FAX: (801) 533-4111
E-Mail:
billzanotti@utah.gov

**R4 Forest Service, Project
Contact**

Mark Muir
Regional Hydrologist
324 25th Street
Ogden, UT 84401
Phone: (801) 625-5267
FAX: (801) 625-5756
E-Mail: mjmuir@fs.fed.us

**Bureau of Land Management,
Project Contact**

Jeremy Jarnecke
State Hydrologist
Soil, Water, Air Program
Lead
440 West 200 South, Suite
500
Salt Lake City, UT
84101
Phone: (801) 539-4098
FAX: (801) 539-4074
E-Mail: jjarnecke@blm.gov

**Utah Division of Forestry,
Fire and State Lands,
Administrative Contact**

Geoffrey McNaughton
Forestry Programs
Administrator
Division of Forestry, Fire &
State Lands
1594 West North Temple
P.O. Box 145703
Salt Lake City, UT
84114-5703
Phone: (801) 538-5460
FAX: (801) 533-4111
E-Mail:
geoffmcnaughton@utah.gov

**R4 Forest Service
Administrative Contact**

Nora Rasure
Regional Forester
324 25th Street
Ogden, UT 84401
Phone: (801) 625-5605
FAX: (801) 625-5327
E-Mail: nrasure@fs.fed.us

**Bureau of Land Management,
Administrative Contact**

Edwin L. Roberson
Utah State Director, BLM
440 West 200 South, Suite
500
Salt Lake City, UT
84101
Phone: (801) 539-4015
FAX: (801) 539-4019
E-Mail: eroberso@blm.gov

**National Park Service,
Project Contact**

Rebecca Weissinger
National Park Service
Inventory and Monitoring
Building 11 Arches National
Park
P.O. Box 848
Moab, UT 84532

Phone: (435) 719-2356
FAX: (435) 719-2391
E-Mail:
Rebecca_Weissinger@nps.gov

**National Park Service,
Administrative Contact**

May Anne Schrade
National Park Service
Inventory and Monitoring
Northern Arizona University
Building 20, Room 118

P. O. Box 5663
Flagstaff, AZ 86011
Phone: (928) 523-1798
FAX: (435) 719-2391
E-Mail:
Maryanne_schrad@nps.gov

12. This MOU is not intended to, and does not create, any right, benefit, or responsibility, substantive or procedural, enforceable at law or equity, by a party against the State of Utah, the United States, its agencies, its officers, or any person.
13. Nothing in this MOU shall obligate the State of Utah, the FS, BLM, or NPS to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the parties will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.
14. Modifications within the scope of the MOU shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

15. This MOU in no way restricts the DWQ, UDAF, FFSL or the Federal Land Management Agencies from participating in similar activities with other public or private agencies, organizations, and individuals.

16. By signature below, the DWQ, UDAF, FFSL and the Federal Land Management Agencies certify that the individuals listed in this document, as representatives of their respective agencies, are authorized to act in their respective areas for matters related to this MOU.

Citations

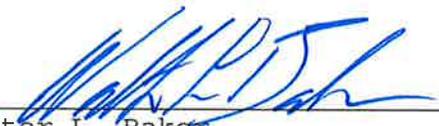
NPS 2003. Interim Technical Guidance on Assessing Impacts and Impairment to Natural Resources. National Park Service-Natural Resource Program Center, Fort Collins, CO.

NPS 2006. Management Policies 2006, National Park Service, Washington D.C.: U.S. Government Printing Office.

Signatories to this MOU:

Date:

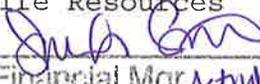
STATE OF UTAH


Walter L. Baker,
Director, Division of Water Quality

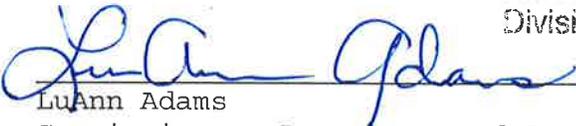
31 Jan 2017

 **ACTING DIRECTOR**
Gregory Sheehan
Director, Division of Wildlife Resources

1/24/17


Financial Mgr. Acty Date
Division of Wildlife Resources

1/23/2017


LuAnn Adams
Commissioner, Department of Agriculture and Food

1-31-17


Brian L. Cottam
Director, Division of Forestry, Fire and State Lands

1-13-17

The authority and format of this MOU has been reviewed and approved as to form for signature.


Fredic J. Donaldson Attorney General's office
Utah Division of Forestry Fire and State Lands

1/12/17
Date

BUREAU OF LAND MANAGEMENT


Edwin L. Roberson
Utah State Director, Bureau of Land Management

2-13-2017

NATIONAL PARK SERVICE

Sue E. Masica

3/29/17

Sue Masica
Regional Director, Intermountain Region, National Park Service

FOREST SERVICE

Nora B. Rasure

2-27-17

Nora B. Rasure
Regional Forester, Intermountain Region, U.S.D.A. Forest Service