

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 92-96

AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING  
(MOU) BETWEEN THE U.S. DEPARTMENT OF INTERIOR, BUREAU  
OF LAND MANAGEMENT (USBLM) AND THE STATE WATER  
RESOURCES CONTROL BOARD (STATE WATER BOARD)

WHEREAS:

1. A MOU between the USBLM and the State Water Board and the California Regional Water Quality Control Boards relative to nonpoint source water quality issues and activities has been drafted.
2. The State Board and the USBLM share a common interest in maintaining, protecting, and improving the quality of the waters of the State.
3. The State Water Board and the USBLM recognize that a coordinated effort will improve the likelihood of meeting those goals.
4. The State Water Board and USBLM, in addition to other agreements set forth in the MOU, agree to pursue the development of a Water Quality Management Plan and Management Agency Agreement for the nonpoint point source water pollution control program on USBLM lands.

THEREFORE BE IT RESOLVED THAT:

The State Water Board Chairman is hereby authorized to execute the proposed MOU with the USBLM which in part initiates the development process for a Water Quality Management Plan and a Management Agency Agreement.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 19, 1992.

  
Maureen Marché  
Administrative Assistant to the Board

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
BUREAU OF LAND MANAGEMENT  
U.S. DEPARTMENT OF THE INTERIOR  
AND THE  
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD  
FOR  
PLANNING AND COORDINATION OF  
NONPOINT SOURCE WATER QUALITY POLICIES AND ACTIVITIES

I. PURPOSE:

The purpose of this Memorandum of Understanding (MOU) is to formalize cooperation between the U.S. Department of the Interior, Bureau of Land Management (BLM), and the State Water Resources Control Board (SWRCB) and to develop appropriate procedures and clarify responsibilities related to nonpoint source (NPS) water quality issues and activities. The BLM and SWRCB share a common interest in maintaining, protecting, and improving the quality of waters (surface and ground water) of the State.

II. OBJECTIVES:

Through this MOU, the SWRCB seeks to utilize the personnel and expertise of BLM to increase the development and implementation of water quality programs and projects relative to, but not limited to, agricultural, animal husbandry, silvicultural, mining, and construction activities on the public lands managed by BLM within the State of California. Coordination and cooperation between BLM and the SWRCB will reduce unnecessary duplication of effort, accelerate the implementation of best management practices (BMPs), management measures (MM), and other NPS measures (NPSM) and increase overall program effectiveness.

The SWRCB and BLM recognize the need to improve, conserve, and protect the quality of surface and ground water by undertaking efforts to avoid pollution by NPSs and thereby maintain the quality and quantity of water available for safe drinking water supplies, irrigated agriculture, fisheries, and other beneficial uses. A coordinated effort will improve the likelihood of meeting these goals.

III. AUTHORITIES:

This MOU is entered into under the authorities of Division 7 of the California Water Code (Porter-Cologne Water Quality Control Act [Porter-Cologne Act]), the authorities of the federal Clean Water Act (CWA), [Section 304(1), 314, 319, and 320], as amended, and the Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701, et seq.

BLM Manual Section 7000.06(D-E), March 8, 1984, established BLM's policy for coordination with State agencies for related programs and provided for compliance with applicable State and federal water pollution control laws, standards, programs, and implementation plans.

BLM Instruction Memorandum No. 88-511, June 17, 1988, provides guidance to BLM field offices regarding coordination with State agencies on NPS pollution control activities. Instruction Memorandum No. 88-511 also addresses how BLM's NPS actions will be incorporated into the BLM planning process and into BLM's overall multiple-use resource objectives.

BLM has management responsibility for over 17 million acres of federal public lands throughout California. BLM's land-use oversight is provided through four district offices which are further subdivided into 15 resource area offices.

The Porter-Cologne Act, administered by the SWRCB and the California Regional Water Quality Control Boards (CRWQCB) establishes a comprehensive program for the protection of water quality and the beneficial uses of the waters of the State. The Porter-Cologne Act provides a "statewide program for water quality control."

SWRCB sets overall State policy, adopts statewide water quality control plans, approves all water quality control plans adopted by the CRWQCBs, and hears petitions to review CRWQCBs actions or inactions. The CRWQCBs have primary responsibility for permitting, inspecting, and enforcing actions regarding dischargers of waste. The CRWQCBs implement and enforce the policies and plans adopted by the SWRCB.

Section 319 of the CWA, as amended, requires the State to develop an NPS management program for controlling NPS pollution. The SWRCB has developed a State NPS management program which lists the BLM as an agency with BMP/MM/NPSM implementation capability.

IV. PROCEDURE:

A. BLM AGREES TO:

Integrate water quality concepts and management techniques into the BLM planning system and into environmental review and clearance of land-use proposals to address surface and ground water NPS pollution.

Provide copies of draft Resource Management Plans, draft Environmental Impact Statements, and draft Environmental Assessments, which have significant water quality issues, to the CRWQCBs responsible for the area affected.

Provide BLM activity plans for those actions which have NPS issues as a primary concern to the responsible CRWQCBs for review and comment.

Incorporate BMP/MM/NPSM into BLM land uses and BLM permitted land uses, when necessary, to protect or maintain water quality.

B. SWRCB AGREES TO:

Encourage the voluntary or cooperative approach as the first step in the development and implementation of solutions to the NPS problem.

Coordinate the activities of the CRWQCBs with those activities being proposed and implemented by the BLM.

Define the goals and objectives of the NPS Interagency Advisory Committee and conduct regular meetings.

Emphasize to the CRWQCBs the importance of a timely response to BLM documents submitted for review.

C. BLM AND SWRCB MUTUALLY AGREE TO:

Encourage participation of other federal, State and local agencies, and land users in the control of NPS pollution.

Develop a process for BMP/MM/NPSM selection and implementation to reduce or prevent NPS pollution from public lands.

Develop BMP/MM/NPSM for federal land uses with input from the NPS Interagency Advisory Committee and other affected parties.

Develop implementation priorities and policies for NPS pollution activities.

Provide NPS guidance and technical assistance to parties responsible for implementation of NPS pollution control on public lands.

Encourage the participation of BLM, SWRCB, and CRWQCB staffs in on-the-ground inspections and tours to discuss public land NPS issues and proposed, ongoing, or completed BMPs.

Develop a Water Quality Management Plan and Management Agency Agreement for the purpose of carrying out portions of the State's NPS Management Program on BLM lands.

Wherever appropriate, encourage the development and implementation of comprehensive management plans covering entire or significant portions of watersheds. These plans would be developed using the principles of Coordinated Resource Management and Planning and, as appropriate, would seek to resolve issues relating to biological diversity as they relate to NPS pollution.

V. ADMINISTRATION:

- A. Nothing in this MOU alters the statutory or regulatory authority of BLM or SWRCB or requires the participants to obligate or expend funds in excess of available appropriations.
- B. The terms of this MOU may be renegotiated at any time at the initiative of one of the participants following at least 30 days notice to the other participant.
- C. This MOU may be cancelled at any time by one of the participants following at least 30 days notice to the other participant.
- D. Any participant may propose changes to the MOU during its term. Such changes will be in the form of an amendment and will become effective upon signature by all of the participants.
- E. The need for this MOU is expected to continue until the Water Quality Management Plan and Management Agency Agreement are in effect.

F. This MOU will become effective upon the date of signature by both parties.

APPROVED:

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Ed Hasteley, State Director  
U.S. Bureau of Land Management

Date

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W. Don Maughan, Chairman  
State Water Resources Control Board

Date