

MANAGEMENT AGENCY AGREEMENT BETWEEN THE  
STATE WATER RESOURCES CONTROL BOARD, STATE OF CALIFORNIA  
AND THE FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

This Management Agency Agreement is entered into by and between the State Water Resources Control Board, State of California (State Water Board), and the United States Department of Agriculture, Forest Service (USFS), acting through the Regional Forester of the Pacific Southwest Region, for the purpose of carrying out the USFS Water Quality Management Plan for National Forest System (NFS) Lands in California (USFS WQMP).

WHEREAS:

1. The USFS and the State Board mutually desire:
  - a. To achieve the goals in the federal Clean Water Act and the State Porter-Cologne Water Quality Control Act, as amended;
  - b. To minimize duplication of effort and accomplish complementary pollution control programs;
  - c. To implement USFS legislative mandates for multiple use and sustained yield to meet both long- and short-term local, state, regional, and national needs consistent with the requirement for environmental protection and/or enhancement; and
  - d. To maintain and protect water quality through implementation of best management practices (BMPs);
  - e. To protect and improve water quality through remediation of legacy sources of waste discharges and watershed restoration.
2. USFS has the authority and responsibility to manage and protect the NFS lands which it administers, including protection of water quality thereon.
3. The USFS has updated and revised a document entitled "Water Quality Management for National Forest System Lands in California" (USFS WQMP), which describes USFS objectives, practices and procedures for protection of water quality, including monitoring, reporting, and adaptive management.
4. The State Water Board and Regional Water Quality Control Boards (collectively, Water Boards) are together responsible for protecting water quality and for ensuring that land management activities do not adversely affect beneficial uses of water.
5. Pursuant to the State Board's Nonpoint Source Implementation and Enforcement Policy,

State Board Resolution 2011 - -----:

- a. Endorses the updated USFS WQMP as a third-party program for **controlling those nonpoint source pollution from the activities covered therein**;
- b. Creates a statewide waiver of waste discharge requirements for **activities covered in that document**, the chief condition of which is reasonable implementation of the WQMP by USFS;
- c. Recognizes the need for a management agency agreement to address related matters not suitable for treatment in either the USFS WQMP or the State Board waiver; and
- d. Redesignates USFS as the management agency with primary responsibility for implementing the updated USFS WQMP upon execution of a management agency agreement

NOW, THEREFORE, the parties hereto agree as follows:

1. The USFS agrees:

- a. To accept designation as the water quality management agency with primary responsibility for:
  - 1) *Implementing and administering its BMPs for all activities covered by the on all NFS lands in California;*
  - 2) *prioritizing and conducting remediation of legacy sources of waste discharges; and*
  - 3) *prioritizing and implementing needed restoration in NFS watersheds.*
- b. That reasonable WQMP implementation includes, but is not limited to, the following:
  - 1) Watershed management
    - a) *Evaluate and report on watershed condition for all 6<sup>th</sup> field subwatersheds on NFS lands, per national USFS direction;*
    - b) *Identify appropriate minimum road networks for each national forest per the Travel Management Rule, Subpart A, and close, decommission, or convert to trails roads not needed for public safety and resource management, as allowed by available funding.*
  - 2) Remediation and restoration
    - a) *Inventory actual and potential sources of water pollution from areas disturbed by past land-use activities on NFS lands per the WQMP;*
    - b) *Prioritize restoration of actual and potential pollution sources annually with Regional Board staff;*
    - c) *Restore areas damaged by previous land-use activities that have potential to adversely affect water quality, per the WQMP (not worked out yet, but maybe the incentive-based approach), and the annually reviewed schedule.*
  - 3) Monitoring

- a) *Monitor implementation and effectiveness of BMPs through the WQMP monitoring program.*
  - b) *Monitor cumulative watershed effects of USFS management activities with in-channel monitoring through the WQMP monitoring program.*
  - c) *Use monitoring results to review and, as necessary; revise BMPs annually in cooperation with State and Regional Board staff.*
  - d) *Provide summaries of monitoring results to the State Board annually, and provide written summary reports to the State Board every 5 years that will evaluate trends in BMP implementation and effectiveness and conditions and trends for beneficial uses.*
- 4) Transparency and accountability
- a) Facilitate early State involvement in the project planning process by developing a procedure which will provide the State with notification of and communications concerning scheduled, in-process, and completed project Environmental Assessments (EAs) for projects that have potential to impact water quality.
  - b) *Provide the public with a means of tracking the inclusion of BMPs into project documents, including NEPA, contracts, permits, and job specifications.*
  - c) *Create an online reference library providing technical documents and specifications for use in implementing BMPs.*
  - d) *Establish an internet reporting system for citizen concerns related to water quality on NFS lands.*
- 5) Adaptive management
- a) *Follow the adaptive management process as outlined in the WQMP.*
  - b) Provide periodic project site reviews to ascertain implementation of management practices and environmental constraints identified in the EA and/or contract and permit documents.
  - c) Review annually and update the USFS documents as necessary to reflect changes in institutional direction, laws and implementation accomplishment. A prioritization and schedule for this updating is provided in Attachment A to this Agreement.
- 6) Internal consequences for implementation failure
- a) *Voluntarily request disenrollment from state or regional waivers for projects that are demonstrated to consistently violate basin-plan objectives. Projects without waiver coverage would require individual WDRs to proceed.*
  - b) *Voluntarily request disenrollment from state or regional waivers for categories of activities on individual national forests that are demonstrated to consistently violate basin-plan objectives. Activities without waiver coverage would require individual WDRs to proceed. Waiver enrollment could be requested after USFS actions to correct deficiencies.*
- c. *To cooperate with Regional Boards in development of TMDLs.*
  - d. *To work with the State Board to protect USFS water rights critical for support of beneficial uses on NFS lands.*

2. The State Board agrees/*commits to:*

- ~~1. Consider the implementation of the revised WQMP as full compliance with State laws regulating nonpoint source pollution from activities covered by the WQMP on NFS lands.~~
- ~~2. Consider the implementation of the revised WQMP as full compliance with future State Board policies for protection of wetlands and riparian zones for activities with potential to generate nonpoint source pollution.~~
- ~~3. Support the use of the BMPs included in the WQMP as the design measures needed for all activities on NFS lands covered by the WQMP. (1., 2. and 3. would be addressed in resolution/waiver language.)~~
4. Work with the USFS and Regional Boards to investigate complaints of water pollution on NFS land.
- ~~5. Meet annually with the USFS to review monitoring results and identify needs for changes to BMPs. (Addressed in mutual agreements.)~~
6. Work with the Regional Boards to assure a statewide prioritization of restoration needs on NFS lands damaged by previous land-use activities, including TMDL implementation.
7. Modify the State Policy to allow the use of Category 4B in place of TMDLs for watersheds entirely or largely on NFS lands.
8. Support and encourage the training and assignment of qualified State and Regional Board staff as technical specialists on USFS wildfire suppression assignments.
9. Support the USFS in the protection of water rights critical for support of beneficial uses on NFS lands.
10. Support USFS efforts to establish and coordinate a permanent standing public stakeholder group to advise on BMP revisions, restoration prioritization, and monitoring.

3. *The USFS and State WaterBoard mutually agree/commit to:*

- a. To meet no less than annually *to discuss monitoring result, review BMP effectiveness, to maintain coordination/communication, report on water quality management progress, review proceedings under this agreement, and to consider revisions as requested by either party.*
- b. To authorize the respective Regional Boards and National Forests to meet periodically, as necessary, to discuss water quality policy, goals, progress, and to resolve conflicts/concerns.
- c. To meet periodically, as necessary, to resolve conflicts or concerns that arise from and are not resolved at the Forest and Regional Board meetings. Meetings may be initiated at the request of either party, a National Forest, or a Regional Board.
- d. That the development and improvement of BMPs will be through a coordinated effort with federal and state agencies for adjacent lands and areas of comparable concern.
- e. To coordinate present and proposed water quality monitoring activities within or adjacent to the National Forests and to routinely make available to the other party any unrestricted water quality data and information; and to coordinate and involve one another in subsequent/continuing water quality management planning and standard development where appropriate.
- f. *Share all water-quality data collected on or downstream of NFS lands.*
- g. *Follow the procedures established for the WQMP revision staff-level working group for future changes to BMPs.*
- ~~h. *Establish and coordinate a permanent standing public stakeholder group to advise on BMP revisions, restoration prioritization, and monitoring.*~~
- i. *Work with CALFIRE to maintain legal authority for USFS to use and pay for qualified State and Regional Board staff assistance for wildfire suppression.*
- j. That nothing herein shall be construed in any way as limiting the authority of the State Board or the Regional Boards in carrying out their legal responsibilities for management or regulation of water quality.
- k. That nothing herein shall be construed as limiting or affecting in any way the legal authority of the Forest Service in connection with the proper administration and protection of National Forest System lands in accordance with federal laws and regulations.

- I. That this Agreement shall become effective as soon as it is signed by the parties hereto and shall continue in force unless terminated by either party upon ninety (90) days notice in writing to the other of intention to terminate upon a date indicated.

IN WITNESS WHEREOF, the parties hereto, by their respective duly authorized officers, have executed this Agreement in duplicate on the respective dates indicated below.

FOREST SERVICE, STATE WATER RESOURCES CONTROL BOARD  
U. S. DEPARTMENT OF AGRICULTURE STATE OF CALIFORNIA

By \_\_\_\_\_  
Regional Forester  
Pacific-Southwest Region

By \_\_\_\_\_  
Executive Director  
State Water Resources Control Board

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By  
Regional Forester  
Intermountain Region

Date:

By  
Regional Forester  
Pacific Northwest Region

Date:

Attachment A as of -----

Schedule for Completing Changes to the USFS WQMP BMPs

<u>Nonpoint Source Activity</u>	<u>Priority</u>	<u>Best Management Practices</u>	<u>Target Completion Date (FY)</u>
Timber Management	1	1-1	
	2	1-5, 1-13	
	3	1-6, 1-25	
Roads & Building Site Construction	1		
	2	2-3, 2-6, 2-8, 2-9, 2-16, 2-20	
	3	2-18, 2-25	
Mining	1	3-1, 3-2	
Non-motorized Recreation	1	4-4, 4-5, 4-6, 4-9, 4-10	
Motorized Recreation	?	?	
Fire Suppression/Fuels Management	1	6-4, 6-5	
	2	5-2, 5-4, 5-6, 6-1, 6-6	
Range Management	?	?	
Watershed Management	1	7-7, 7-8	
	2	7-4, 7-6	
	3	7-1, 7-2, 7-3, 7-5	

Attachment B -----

Schedule for Resolving Regional Board Issues

Region

Issue

Completion Date (FY)

DRAFT



Upon invitation from USFS and to the extent resources allow, the (State) Water Board(s) agree to:

Fully participate with USFS in the following:

Interdisciplinary team field assessment of proposed projects;

Identifying priority or key watershed;

Assessment, analysis, and/or inventory of priority or key watersheds; and

Identification and prioritization of needed remediation/restoration projects at the \_\_\_\_\_ scale; during implementation of the Travel Management Rule, in identifying water quality problems or opportunities associated with:

Establishing the appropriate minimum road network for each national forest;

Disposition (i.e., storage, closure, conversion or decommissioning) of National Forest

Transportation System roads that are no longer needed for public safety or resource management; and

Disposition and management of motorized vehicle routes that are not in the NFTS network

Fully participate with USFS in development and implementation of the following water quality monitoring programs

Participate in Burned Area Emergency Restoration teams, to assist in identifying water quality problems and opportunities.

Participate in adaptive management public processes conducted pursuant to the WQMP.