FINAL DRAFT TEXT - UTAH NONPOINT SOURCE MOU
MOU Prep. Team
October 21, 2008
Nov. 20, 2008
Dec. 9, 2008
Dec. 17, 2008
Jan. 13, 2009

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

I. PARTIES TO THE MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made between: Utah Division of Water Quality (DWQ), Utah Department of Agriculture and Food (UDAF), Utah Division of Forestry, Fire and State Lands (FFSL); U.S. Department of Agriculture, Forest Service, Intermountain Region (FS); the U.S. Department of Interior, 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 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, the Utah Nonpoint Source Pollution Management Plan and the Utah Nonpoint Source Management Plan for Silvicultural Activities.

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 United States 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.

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 Sections 19-5-101 through 119, Utah Code (Annotated 1953 as amended) that describes 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 October 2000. 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 §319 funds and assumes ultimate responsibility for monitoring and reporting of grant performance to the EPA. TMDLs are water quality restoration plans required for waterbodies assessed as impaired for one or more designated beneficial uses. 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.

Responsibilities:
Utah Water Quality Act - 19-5 Utah Code Annotated

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, Title R317, Utah Administrative Code. The following selected rules implement the provisions of the Water Quality Act.

Standards of Quality for Waters of the State -R317-2 Standards of Quality for Waters of the State - U.A.C. R448-2 UAC

Utah's Water Quality Standards are the result of the process outlined in 40 CFR 131 as authorized under Section 303 of the Clean Water Act (CWA). 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

Roles:
The Utah Department of Agriculture and Food has the responsibility under Utah's Section 319 program, under a contractual arrangement from the Department of Environmental Quality, to implement best management practices on private, state and federal lands for the control nonpoint source pollution from agricultural activities. The Utah Department of Agriculture and Food Grazing Improvement 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. The GIP can assist and participate on private, state and federal owned lands to improve grazing opportunity and watershed

health. The GIP, 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.

Responsibilities:
Provide funding 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 and monitor the effectiveness of program implementation and the change in improved rangeland and riparian conditions.

Utah Division of Forestry, Fire & State Lands

Authorities:

The Utah Forest Practices Act (Utah Code -- Title 65A -- Chapter 08a) requires operators to register with FFSL, and to notify FFSL prior to commencing any forestry practices on state or private lands. Utah Administrative Rules (R652-140) outline the specific registration and notification requirements.

Roles:

FFSL implements strategies indentified in the Utah Tomorrow Strategic Plan (adopted by the Utah Legislature in 1995) 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, fauna, flora, and soil, and for activities in pollution prevention, clean-ups, emissions reductions, public education and cost-effectiveness of controls, " "Encourage partnerships between those parties who manage, develop and utilize renewable and non-renewable resources. " and " Improve coordination between federal, state, and local government in land-use planning."*

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. Funding for FWQG monitoring is partly provided by the Utah Department of Environmental Quality.

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 Good Neighbor Authority Act (PL 108-447, 118 Stat. 3012 Fiscal Year 2005 Interior and Related Agencies Appropriations Act, Section 337(a), as amended by the PL 110-161, Division F, Title IV, Section 420 of the Consolidated Appropriations Act, 2008), the appropriate federal regulations are followed.

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, as amended (16 U.S.C. 475), the Multiple Use Sustained Yield Act of 1960, as amended (16 U.S.C. 528), and the National Forest Management Policy Act of 1976, as amended (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 providing numerous beneficial uses for 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 Administrative Code R317-2-12.1). The FS is responsible to protect, restore and maintain water quality for these waters on NFS lands in Utah.

Responsibilities:
As the designated 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. The Clean Water Act, as amended (33 U.S.C. 1251 - 1387), 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 2532 and Forest Service Handbook 2509.22, 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; 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 (16 U.S.C. l 2 3, and 4), 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."

The National Park Service manages approximately 432,000 acres in Utah, including such iconic parks as Canyonlands, Glen Canyon and Zion 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.

Roles:
The National Park Service Management Policies (NPS 2006, 4.6.3) 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, as amended, (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 substantative as well as procedural requirements respecting control and abatement of pollution. It goes further in specifically referencing National Parks by stating "Where 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 CFR 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 designated nonpoint source management agency on the lands under its management (40 CFR 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 (National Parks Omnibus Management Act of 1998, P.L. 105-391, Title IV, National Park Service Sec 201,206) 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, as amended, 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*], 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 February 22, 1995, four fundamentals of Rangeland Health were developed as goals for BLM management. The fourth 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 and the Federal Clean and Safe Drinking Water Acts. Activities on BLM National System of Public Lands will fully support the designated beneficial uses

described in the Utah Water Quality Standards (R.317-2). In 1994, Public Law 98-569 amended the 1974 Colorado River Basin Salinity Control Act and directed the Secretary to develop a comprehensive program for minimizing salt contributions from lands administered by the Bureau of Land Management (BLM). This is primarily accomplished through activities to reduce nonpoint source pollution. BLM is the designated nonpoint source management agency for the National System of Public Lands under its management. 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 is also inventories, monitors, and evaluateswater 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.

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.

Responsibilities:
The Federal Water Pollution Control (Clean Water) Act [33 U.S.C. 1323 et seq], as amended, 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 biannual Utah 303(d) List and annual 305(b) Report, as published by the Utah Division of Water Quality 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 and Guidelines for Rangeland Health (1997) establish the goal that surface and ground water on public lands comply with Utah Water Quality Standards.

Utah BLM will manage lands to protect, restore, and maintain water quality so that Federal and State water quality standards are met or exceeded to support beneficial uses, in accordance with applicable laws and regulations.

Utah BLM will manage water quality impaired water bodies within its jurisdiction to protect and restore water quality conditions. Management will involve, among other actions, identifying potential sources of impairment, development and implementation of strategies to protect and restore water quality conditions, when BLM actions are identified as affecting 303(d) listed waters.

Utah BLM will develop and conduct water quality and watershed monitoring as required in Resource Management Plans as well as TMDL plans.

Utah BLM will implement best management practices (BMPs) for the protection of water quality as appropriate in all authorized projects with the potential to impact water quality. Utah BLM will review and revise these BMPs as necessary if monitoring indicates that implementation of BMPs are not achieving water quality standards.

Utah BLM will participate in other water quality/watershed monitoring and data sharing efforts with other agencies, such as DEQ.

As resources allow, Utah BLM will assist, provide data, and participate in development of TMDLs with DEQ when TMDLs are being developed for watersheds containing BLM National System of Public Lands.

Utah BLM will comply with applicable requirements of the Safe Drinking Water Act (SDWA) and Source Water Protection Act (SWPA) programs.

Utah BLM will review water quality restoration work and priorities with DEQ on an annual basis.

Utah BLM is committed, through its Hazmat Program, to the prevention and immediate clean up of hazardous spills that occur on BLM lands. BLM will take appropriate first response or corrective action to remedy emergency situations in accordance with State and Federal rules and regulations

V. THEREFORE THE PARTIES MUTUALLY AGREE:

1. To cooperate in the protection, restoration, enhancement and management of water resources in the State of Utah.

2. To comply with the Federal Water Pollution Control Act (Clean Water Act, P.L. 92-500) Section 208, as amended, and with the nonpoint source control Sections (319 and others) of the Clean Water Act, as amended, and applicable executive orders.

3. To implement the Standards of Quality for Waters of the State, Utah Administrative Code R317-2 as amended on Federal Lands.

4. To implement the Utah Nonpoint Source Pollution Management Plan (2000) and Nonpoint Source Management Plan for Silvicultural Activities (1998) and conduct applicable activities and programs consistent therewith including participating with DWQ in updating such plans.

5. To coordinate pollution control and abatement programs particularly as they relate to implementation of 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 related to visitor use, fire, forest and grazing practices.

7. To coordinate water quality monitoring activities and cooperate in the collection, analysis and processing of water quality samples when the results 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 plans and resource commitments will be made through project-specific agreements.

8. To develop and seek application of Best Management Practices (BMP's) for activities and uses of forest and rangelands with intent to meet State water quality standards.

9. To select projects annually and review for BMP effectiveness and water quality protection measures. A review team will include representatives from the DWQ, UDAF 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. Coordinate annually the development and implementation of a cooperative monitoring program.

2. Work actively with the Federal Land Management Agencies to develop and implement TMDLs for impaired waters on federal land.

3. Coordinate and conduct annual water quality management program coordination and education meeting.

4. 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.

5. Invite Federal Land Management Agency representation on policy or technical advisory committees that relate to forest, rangeland and riparian management.

6. Provide technical assistance to the extent resources and manpower are available in project planning and development as requested by the Federal Land Management Agencies.

7. Review the Federal Land Management Agencies' listing of proposed projects and activities scheduled for NEPA process and participate in those affecting water quality, and provide timely written review comments as resources priorities are determined.

8. 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.

9. Provide instructors and resource expertise when requested for Federal Land Management Agency training and education as determined mutually beneficial.

10. 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.

Utah Department of Agriculture and Food agrees to:

1. Provide coordination and funding under the Grazing Improvement Program (GIP) to assist in improved grazing practices, improved watershed and riparian conditions, and to assist in the control of invasive species on state, federal and private lands.

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.

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 surface and ground water 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 and Utah Administrative Code Rule R317-2 (Standards of Quality for Waters of the State), as amended, 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. 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 attain 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 reports to the DWQ.

5. As requested, to provide DWQ information on water quality conditions, Best Management Practice 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. 1313 (d)) listed water bodies.

7. To prioritize watershed restoration activities to reduce, eliminate, or prevent nonpoint source pollution.

8. To ensure that all new and renewed 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 as amended.

9. As requested, to provide DWQ a schedule of proposed land-disturbing activities during the forthcoming year.

10. To include DWQ at the appropriate time during NEPA scoping for projects with potential to impact water quality.

11. To notify the State of all violations of water quality standards or regulation and spills of oil or hazardous materials.

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 or affecting in any way the legal authority of DWQ, DAF, FFSL 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.

4. That the parties will periodically 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 unless terminated by written consent of all the parties, for five years from the date of the last signatory, 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 December 22, 1992 and January 7, 1993 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 right of action between any of the parties, or for any other 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
Mike Reichert
Nonpoint Source Coordinator
P.O. Box 144870
Salt Lake City, UT 84114-4870
Phone: (801) 538-6954
FAX: (801) 538-6016
E-Mail: mreichert@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) 538-6146
FAX: (801) 538-6016
E-Mail: wbaker@utah.gov

Utah Dept. of Agriculture and Food, Project Contact
Roy Gunnell
Division of Conservation and Resource Management
P.O. Box 146500
Salt Lake City, UT 84114-6500
Phone: (801) 538-7174
FAX: (801) 538-9436
E-Mail: rgunnell@utah.gov

Utah Dept. of Agriculture and Food, Administrative Contact
Bill Hopkin
Grazing Improvement Program

P.O. Box 146500
Salt Lake City, UT 84114-6500
Phone: (801) 538-4927
FAX: (801) 538-9436
E-Mail: bhopkin@utah.gov

Utah Div. of Forestry, Fire and State Lands, Project Contact
Mike Eriksson
Forest Landowner Assistance Coordinator
Division of Forestry, Fire & State Lands
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703
Phone: (801) 538-5457
FAX: (801) 533-4111
E-Mail: mikeeriksson@utah.gov

Utah Div. of Forestry, Fire and State Lands, Administrative Contact
Geoffrey McNaughton
Forestry Programs Administrator

Division of Forestry, Fire & State Lands

1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703
Phone: (801) 538-5460
FAX: (801) 533-4111
E-Mail: geoffmcnaughton@utah.gov

R4 Forest Service, Project Contact
Rick Hopson
Regional Hydrologist

324 25th Street
Ogden, UT 84401
Phone: (801) 625-5755
FAX: (801) 625-5756
E-Mail: rhopson@fs.fed.us

R4 Forest Service, Administrative Contact
Doris Mackey
Regional Grants and Agreements Coordinator
324 25th Street
Ogden, UT 84401
Phone: (801) 625-5812
FAX: (801) 625-5327
E-Mail: dmackey@fs.fed.us

Bureau of Land Management, Project Contact
Lisa Bryant
Soil, Water, Air Program Lead

Bureau of Land Management, Administrative Contact
Lisa Bryant
Soil, Water, Air Program Lead

PO Box 45155
Salt Lake City, UT 84145

Phone: 801 539-4069
FAX: 801 539-4074
E-Mail: lisa_bryant@blm.gov

PO Box 45155
Salt Lake City, UT 84145

Phone: 801 539-4069
FAX: 801 539-4074
E-Mail: lisa_bryant@blm.gov

National Park Service, Project Contact

David Thoma
National Park Service
Inventory and Monitoring
State Route 9
Springdale, UT 84767
Phone: 435-772-0141
FAX: 435-772-3426
E-Mail: dave_thoma@nps.gov

National Park Service, Administrative Contact

Douglas Perry
National Park Service
Inventory and Monitoring
Building 11 Arches National Park
5 mi North of Moab on Hwy 191
Phone: 435-719-2346
FAX: 435-719-2391
E-Mail: Douglas_Perry@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 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. The Forest Service, Inspector General, or Comptroller General, through any authorized representative, shall have access to and the right to examine all records related to this MOU.

16. As used in this provision, "records" includes books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form. All records pertinent to the award shall be retained for a period of 3 years.

17. 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.

18. By signature below, the DWQ, UDAF, FFSL and the Federal Land Management Agencies certifies 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

_____ _____

Leonard Blackham
Commissioner, Department of Agriculture and Food

_____ _____

Dick Buehler
Director, Division of Forestry, Fire and State Lands

BUREAU OF LAND MANAGEMENT

_____ _____

Selma Sierra
Utah State Director, Bureau of Land Management

NATIONAL PARK SERVICE

_____ _____

Gary Rosenlieb
Water Operations Branch Chief, National Park Service

FOREST SERVICE

_____ _____

Harv Forsgren
Regional Forester, Intermountain Region, U.S.D.A. Forest Service

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

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Doris Mackey Date
Forest Service Regional Grants and Agreements Coordinator