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## APPENDIX TO THE MEMORANDUM OF UNDERSTANDING IMPLEMENTING THE NONPOINT SOURCE WATER QUALITY PROGRAM IN THE STATE OF IDAHO SPECIFYING IMPLEMENTATION OF THE AGRICULTURAL POLLUTION ABATEMENT PLAN, 1991

### I. AGENCIES TO THE AGREEMENT

Idaho Soil Conservation Commission (SCC); Idaho Department of Health and Welfare-Division of Environmental Quality (DEQ); U.S.D.A.-Soil Conservation Service (SCS); University of Idaho-Cooperative Extension System (CES); U.S. Environmental Protection Agency (EPA); U.S.D.A. - Agricultural Stabilization and Conservation Service (ASCS); U.S.D.I.-Bureau of Land Management (BLM); U.S.D.A.-Forest Service, Intermountain, Northern and Pacific Northwest Regions (Forest Service); Idaho Department of Lands (IDL); Idaho Department of Agriculture (IDA); Idaho Department of Water Resources (IDWR).

### II. PURPOSE

This appendix to the Memorandum of Understanding Implementing the Nonpoint Source Water Quality Program in the State of Idaho is to identify roles and responsibilities for implementing the Idaho Agricultural Pollution Abatement Plan, 1991 (Ag Plan) that coordinates nonpoint source water pollution control activities on all federal, state and private agricultural lands in the state.

### III. DEFINITIONS

Best Management Practice (BMP): (for this appendix) A ***component practice*** or ***combination of component practices*** determined to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. The Catalog of Component Practices is part of the Ag Plan and the listing of practices approved for use in the development of agricultural BMPs.

Coordinated Resource Management Planning (CRMP): A process by which natural resource owners, managers, and users, working together as a team, develop and implement plans for the management of all major resources and ownerships within a specific area and/or resolve specific conflicts.

Federal Land Management Agencies: (for this appendix) The U.S.D.A.-Forest Service, and the U.S.D.I.-Bureau of Land Management.

Soil Conservation Districts (SCDs): The Soil Conservation District Law, Idaho Code, Title 22, Chapter 27 establishes the organization and purposes of Soil Conservation Districts (SCDs). The 51 SCDs are governmental subdivisions of the state and include private, state and federal lands, with the exception of some incorporated cities and portions of the Idaho National Engineering Laboratory.

#### IV. AUTHORITIES

State agencies may enter into interagency cooperative agreements under authority of Title 67, Chapter 23, Idaho Code.

The legal authorities of the agencies to the agreement are listed in the Memorandum of Understanding Implementing the Nonpoint Source Water Quality Program in the State of Idaho.

#### V. NOW THE PARTIES MUTUALLY AGREE:

1. To implement the Idaho Agricultural Pollution Abatement Plan, as revised in 1991 and thereby is consistent with and meets the goals of the Idaho Nonpoint Source Management Program and the requirements of Section 319 of the federal Clean Water Act.
2. To establish a Best Management Practice (BMP) Technical Committee and to participate in the evaluation, modification and development of component practices through that committee.
3. To implement Coordinated Resource Management Planning (CRMP) as an instrument to accomplish agricultural water quality planning on a watershed basis when ownership is mixed public and private.
4. To implement and integrate the 1991 Idaho Ground Water Quality Plan agricultural chemical and nutrient management policy along with the supporting monitoring program.
5. To cooperate in the development of the Pesticides State Management Plan (SMP) as an integral part of agricultural chemical management.
6. To annually confirm or update the beneficial use status and pollutant magnitude of agricultural nonpoint source water quality priorities listed in **the Ag Plan**.
7. To provide information and education to agricultural land users and to the general public about agricultural nonpoint source pollution problems and the solutions and activities that address those problems.
8. To review proposed revisions of the Ag Plan that are either substantial or involve changes in policy, and which subsequently shall be effective following written approval by SCC and DEQ.

VI. IDAHO SOIL CONSERVATION COMMISSION AGREES:

1. To coordinate the implementation of the Ag Plan on all state and private agricultural lands in the state.
2. To organize, convene and chair the BMP Technical Committee.
3. To ensure that BMPs and component practices are evaluated by the BMP Technical Committee for effectiveness in providing water quality benefits for both surface and ground water.
4. To participate in BMP implementation and effectiveness evaluations through State Agricultural Water Quality Program (SAWQP).
5. To be lead agency for Coordinated Resource Management Planning within SAWQP.
6. To jointly (with DEQ) evaluate research needs identified by Soil Conservation Districts (SCDs) or technical agencies and to work with research agencies and groups to initiate needed research.
7. To provide leadership to SCDs in developing information and education programs that target local audiences.
8. To review jointly with DEQ) agricultural nonpoint source water quality priority lists (established in the SCDs' Five Year Programs) for completeness and consistency with Stream Segments of Concern, Outstanding Resource Waters and 319 Assessment information.
9. To update annually, with the concurrence of DEQ, the Catalog of Component Practices (Section VIII) and the List of Agricultural Nonpoint Source Water Quality Priorities (Section VI) of the Ag Plan.
10. To conduct periodic (two year interval) evaluations of the Ag Plan for compatibility with new legislation, policies, programs and plans and for responsiveness to local needs. Revisions that are either substantial or involve changes in policy will be submitted to all parties (including SCDs) for review and finally to DEQ for written approval.

VII. IDAHO DEPARTMENT OF HEALTH AND WELFARE - DIVISION OF ENVIRONMENTAL QUALITY AGREES:

1. To be the lead agency for water quality monitoring activities.
2. To participate in BMP implementation and effectiveness evaluations through the State Agricultural Water Quality Program (SAWQP).

3. To jointly (with SCC) evaluate research needs identified by Soil Conservation Districts (SCDs) or technical agencies and to work with research agencies and groups to initiate needed research.
4. To coordinate the distribution of agricultural nonpoint source water quality priority lists (established in the SCDs' Five Year Programs) to appropriate agencies for confirmation or updating of the beneficial use status and pollutant magnitude as listed in the 319 Assessment.
5. To review annual updates of the Catalog of Component Practices (Section VIII) and the List of Agricultural Nonpoint Source Water Quality Priorities (Section VI) of the Ag Plan.

VIII. FEDERAL LAND MANAGEMENT AGENCIES AGREE:

1. To coordinate the implementation of the Ag Plan on all federal agricultural lands in the state.
2. To ensure the technical adequacy of the design and installation of each BMP and component practice applied on lands they administer.
3. To coordinate with SCDs in the establishment of nonpoint source water quality priorities during development or revision of land use plans.

IX. UNITED STATES DEPARTMENT OF AGRICULTURE - SOIL CONSERVATION SERVICE AGREES:

1. To ensure the technical adequacy of the design and installation of each BMP and component practice applied on privately owned lands.
2. To participate in BMP implementation and effectiveness evaluations through the State Agricultural Water Quality Program (SAWQP).

X. IDAHO DEPARTMENT OF AGRICULTURE AGREES:

1. To be the lead agency in the development of the Pesticides State Management Plan (SMP) in consistency with the 1991 Idaho Ground Water Quality Plan agricultural chemical and nutrient management policy.
2. To participate in BMP and component practice effectiveness evaluations and water quality monitoring activities relating to the use of agricultural chemicals and nutrients.

XI. IT IS FURTHER AGREED:

1. That nothing in this appendix shall be construed as limiting or affecting in any way the legal authority of the participating agencies in connection with the proper administration and protection of affected lands in accordance with federal and state laws and regulations.
2. That nothing in this appendix shall be construed as obligating the participating agencies to expend funds in any contract or assume any other obligation for future payment of funds or services in excess of those available or authorized for expenditure.
3. That this appendix shall become effective upon an agency as soon as it is signed by that agency. This appendix shall continue in force unless terminated by mutual written consent, except that any agency shall have the right to terminate that agency's participation as a party to the agreement upon sixty days notice in writing to the other parties of their intention to terminate upon a date indicated.
4. That this appendix shall be administrated by the SCC.
5. That this appendix shall be reviewed periodically (two-year interval) so that revisions and updates necessary to meet the purpose of the appendix are made. Amendment shall be effective following written approval by all parties to the appendix.
6. That the program and activities conducted under this agreement will be in compliance with the nondiscrimination provisions contained in the Titles VI and VII of the Civil Rights Act of 1964 as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975.
7. That each provision of this agreement is subject to the laws and regulations of the State of Idaho, and the laws and regulations of the United States.

WITNESS THEREOF, the parties hereto have caused this cooperative appendix to be executed.

IDAHO DEPARTMENT OF HEALTH & WELFARE -  
DIVISION OF ENVIRONMENTAL QUALITY

U.S. ENVIRONMENTAL PROTECTION AGENCY

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Joe Nagel, Administrator

M. Lynn McKee, Asst. Regional Admin.

IDAHO SOIL CONSERVATION COMMISSION

U.S. D. A. –SOIL CONSERVATION SERVICE

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Paul Calverley, State Conservationist

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Wayne R. Faude, Administrator

IDAHO DEPARTMENT OF LANDS

U.S.D.I. - BUREAU OF LAND MANAGEMENT

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Stanley Hamilton, Director

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Delmar D. Vail, State Director

IDAHO DEPARTMENT OF AGRICULTURE

U.S.D.A. - FOREST SERVICE~ REGION 1

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Dr. W. G. Nelson, Director

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IDAHO DEPARTMENT OF WATER RESOURCES    USDA - FOREST SERVICE, REGION A

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R. Keith Higginson, Director

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UNIVERSITY OF IDAHO -  
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John E. Lowe, Regional Forester