INTRODUCTION

This document informally addresses questions about the water quality management directives (also known as the best management practices (BMP) directives) currently being considered and provides general information on the Forest Service National BMP Program.

1. What are Best Management Practices (BMPs)?

The term BMP has been used by many resource and business management areas to describe those practices found to be most effective in achieving a desired outcome. With regard to water quality, BMPs are codified in the Clean Water Act as the method for controlling nonpoint source pollution. Examples of nonpoint source pollution include diffuse runoff from construction sites, roads and trails.

For the Forest Service National BMP Program, BMPs are defined as, “Methods, measures or practices selected by an agency to meet its nonpoint source control needs. BMPs include, but are not limited to, structural and nonstructural controls and operation and maintenance procedures” (36 CFR 219.19).

2. How does the Forest Service National BMP Program work?

The Forest Service has developed a nationally standardized program that uses an adaptive management strategy of BMP implementation and effectiveness monitoring, and management adjustments to achieve and document nonpoint source pollution control and water quality protection consistent with the federal Clean Water Act, State and Tribal water quality programs.

The National BMP Program consists of four main components:

1) the National Core BMP Technical Guide (Volume 1; FS-990a, April 2012);
2) the National BMP Monitoring Technical Guide (Volume 2; FS-990b, in development);
3) proposed revised national directives (an amended proposed Water Quality Management Manual, FSM 2532, and a new proposed National BMP Handbook, FSH 2509.19); and
4) a national data management and reporting system.

The National BMP Program is modeled after the successful 20-year-old BMP program in the Forest Service Pacific Southwest Region.

3. Why does the Forest Service need a National BMP Program?

Each of the nine Forest Service regions and most national forests and grasslands have BMP programs. However, these regional and forest BMP programs have not been standardized to allow efficient cross-regional application, evaluation or reporting.
In 2007, the Forest Service committed to the Office of Management and Budget and the Environmental Protection Agency to put a system of national BMPs in place to improve consistency, comparability and accountability. The National BMP Program provides these improvements and enables the agency to readily document compliance with the management of nonpoint source pollution at national, regional and local scales. In addition, the new planning rule requires the Forest Service chief to put a national system of BMPs in place to protect water quality (36 CFR 219.8(a)(4)).

4. What are the current drivers for the National BMP Program efforts?

There are a number of factors driving the completion of the components of the National BMP Program:

• The agency’s renewed emphasis on water resources in the management of national forests and grasslands.
• The requirement in the new planning rule for national BMPs.

United States Department of Agriculture and Forest Service leadership have identified the new National BMP Program as the agency’s primary response to the implications of recent federal court action (NEDC v. Brown) that calls into question some aspects of the Clean Water Act’s Silvicultural Rule exempting most forestry-related activities from National Pollutant Discharge Elimination System permitting, specifically as it pertains to logging roads.

5. What are the National Core BMPs and how do they relate to the BMPs we already have in land management plans and project level NEPA decisions?

The National Core BMPs are the nationally standardized set of general, non-prescriptive BMPs for the broad range of activities that occur on national forests and grasslands as specified in the National Core BMP Technical Guide (FS-990a). Implementation of the National Core BMPs require development of site-specific BMP prescriptions based on site conditions and local and regional requirements to achieve compliance with established State, Tribal, and national water quality goals. These site-specific BMP prescriptions are developed based on existing State and Tribal BMPs, Forest Service regional BMP guidance, and land management plans BMPs identified in existing project level NEPA Decisions will continue to be used, however the National Core BMPs are expected to be used in new project level NEPA Decisions.

6. What are the National Core BMP Monitoring Protocols?

The National Core BMP Monitoring Protocols are the nationally standardized set of procedures for monitoring the implementation and effectiveness of the National Core BMPs as specified in the National Core BMP Monitoring Technical Guide (in preparation, FS-990b). These monitoring protocols will be implemented by forest or grassland-level interdisciplinary teams on a subset of the forest or grassland’s projects and activities utilizing BMPs. Each Forest Service region is expected to have a statistically significant set of monitoring results within five years for each National Core BMP applied extensively in the region.
7. Who was involved in the development of the National Core BMPs and Monitoring Protocols?

The National Core BMP Technical Guide was developed by internal agency staff at all levels of the organization. An extensive group of internal and external partners were involved in the review of the technical guide. In addition, staff from key federal (EPA, ACOE, BLM, FWS, and USGS), State (National Association of State Foresters and Association of State, and Interstate Water Pollution Control Administrators), and Tribal partners (National Congress of American Indians and Intertribal Timber Council) were offered the opportunity to review the document and provide comments.

8. Why is the Forest Service proposing these directives?

The Forest Service proposes to amend its internal agency directives to revise direction for BMPs for water quality protection on National Forest System (NFS) lands. Specifically, the proposed amendments would modify existing direction on the use of BMPs to establish a national system of BMPs and associated monitoring protocols and require their use on NFS lands to meet existing mandates under the federal Clean Water Act and corresponding State laws to protect water quality from land and resource management activities. The national system of BMPs would provide a systematic approach to identification of necessary BMP prescriptions for the broad suite of ground-disturbing activities taking place on national forests and grasslands, while utilizing suitable established regional, state, Tribal, and local BMPs, and monitoring implementation and effectiveness of the applied BMP prescriptions. These proposed amendments would help ensure consistent use and monitoring of BMPs and that appropriate analyses for evaluating BMP implementation and effectiveness are completed on a regular basis. Public comment is invited and will be considered in development of the final directives.

9. What are the objectives and expected outcomes of the proposed directives?

Implementation of a national BMP system will be used to control nonpoint source pollution on NFS lands. The system will provide a consistent process for monitoring and evaluation activities. Based on methods and systems developed from these activities, land and resource management decisions can be adjusted as needed.

The proposed directives would clarify responsibilities for the National BMP Program at each level of the organization. Processes would be established to guide development of National Core BMPs, implement the BMPs to be used to control nonpoint source pollution, and maintain monitoring protocols. They would also provide a framework to evaluate proposed Forest Service land and resource management activities using BMPs.

Implementing the proposed directives would demonstrate how consistent use of BMPs on national forests and grasslands will protect water quality.

10. How would the proposed directives affect States and State and Tribal water quality management programs?

The Forest Service recognizes the role that States, Tribes, and other partners play in managing water resources and the agency has a long history of working with them to protect water quality through implementation of BMPs. The Forest Service is working cooperatively with States,
Tribes, and other partners to ensure that water resources on NFS lands are managed appropriately to meet legal mandates, regulations, and the needs of the public. One of the goals of the directives is to foster cooperative relationships with the States and Tribes.

The National BMP Program is not intended to circumvent or interfere with State or Tribal Clean Water Act programs; rather it is intended to support and assist the States and Tribes in their efforts to ensure compliance on national forests and grasslands.

11. Can the States and Tribes provide input on the proposed directives?

Yes. States and Tribes are encouraged to provide input on the proposed directives. Public comment on the proposed directives will be invited and considered in development of the final directives. The Forest Service will accept comments for 60 days after they are published in the Federal Register. The proposed directives are expected to be published by May 6, 2014.