

KLAMATH HEADWATERS Agricultural Water Quality Management Area

Biennial Review Report to the Board of Agriculture and ODA Director

Submitted by the Local Advisory Committee (LAC)



OREGON
DEPARTMENT OF
AGRICULTURE

Meeting Dates: December 7, 2023, and February 1, 2024
LAC Members Present: (12/7) Bill Lehman, Megan Skinner, Margaret Jacobs, Kevin Newman, Kelley Delpit, Mark Beuttner, Cameron Duncan, Becky Hatfield Hyde, Michelle Sharp, and Cary Denison (2/1) Bill Lehman, Megan Skinner, Margaret Jacobs, Kevin Newman, Kelley Delpit, Mark Beuttner, Cameron Duncan, and Bob Sanders
Reporting Timeframe: Calendar years 2022-2023

PROGRESS MEASUREMENT

Focused Effort: Upper Klamath Lake Pumping

Measurable Objective: By the 2025 Biennial Review, 20 percent reduction of total phosphorus loading from agricultural activities at pump sites around Upper Klamath Lake compared with 2018 baseline conditions.

Current Conditions: Focused effort monitoring ended in June 2023. Landowners around Upper Klamath Lake continue to work independently and with conservation partners to adjust management strategies and implement projects to improve water quality in the lake. ODA will continue to monitor water quality with individual farms as needed, instead of in a concentrated monitoring effort. ODA will conduct monthly observations from public roads to document on-farm conditions in winter months (November-April) for at least the next two years. Conditions will be photographed and used to determine if follow up with individual farms is needed. The measurable objective was met.

During the winter of 2022-2023 five farms were sampled. None of the farms were sampled more than three times due to greatly reduced pump-off activity and management decisions to turn off pumps based on phosphorus levels in outflow from farm pumps. The season was particularly wet compared to the last several winters and many of the farms experienced flooding due to precipitation.

Strategic Implementation Area (SIA): 2018 Upper Sprague River SIA

ODA Measurable Objective: By April 18, 2023, all 13 tax lots identified as a Potential Violation or a Compliance Opportunity will be downgraded to Restoration Opportunity or Likely in Compliance.

Current Conditions: Closed

Progress Toward Measurable Objective: As of September 8, 2023, 6 tax lots identified as a Potential Violation or a Compliance Opportunity were downgraded to Restoration Opportunity or Likely in Compliance. PV = 0, CO = 7, RO = 29, LC = 296. The measurable objective was not achieved. ODA was unable to contact multiple landowners after several attempts. Those tax lots remain classified as Compliance Opportunity.

Strategic Implementation Area (SIA): 2019 Middle Sprague River SIA

ODA Measurable Objective: By September 28, 2024, all 43 tax lots identified as a Potential Violation (PV) or a Compliance Opportunity (CO) will be downgraded to Restoration Opportunity or Likely in Compliance.

Current Conditions: Open: Phase II

Progress Toward Measurable Objective: One PV actively working with partners. Four PV tax lots downgraded to ROs based on current conditions. ODA attempted contact with 13 COs. Four CO tax lots downgraded to ROs based on phone conversations. Ongoing work includes additional attempts to contact landowners and set up site visits to understand current land condition on evaluated tax lots.

Management Areawide Activities (Klamath SWCD, Klamath Watershed Partnership, Trout Unlimited, Sustainable Northwest, and USFWS Partners Program)	No.	Discussion (This is an incomplete picture of all the work being done in the Management Area on private ag lands for water quality; other groups are involved in this work that did not report.)
Events That Actively Engage Landowners	18	Producer listening sessions, bull sale at fairgrounds
Landowners Participating in Active Events	65	Rough estimate, ranging from 20-50 per event
Landowners Provided Technical Assistance*	500	Many field visits, phone calls, and group discussions to provide support, this is a rough estimate in that area
Site Visits	65	Direct landowner meetings on their property
Conservation Plans Written	19	11-year landowner agreements and work plans
Funding Applications Submitted	21	Grant applications and contract agreements
Funding Applications Awarded	19	11-year landowner agreements, minimum

* Number reported likely double counts some landowners due to tracking methods.

LAC DISCUSSION

Summary of Progress

- The local community is increasingly aware of the fragility of area ecosystem.
- Landowners are sharing knowledge and ways to move forward, while understanding they don't have to improve background levels of pollutants.
- Farmer ingenuity is creating an understanding and focus on addressing challenges.
- Despite damage from several recent fires, there have been many reforestation and restoration efforts in the burned areas, including on Green Diamond property.
- There has been more participation recently, especially in Sustainable Northwest (SNW) Listening Sessions.
- Improved coordination and collaboration between conservation and restoration groups.
- There has been a shift in the perception of the usefulness of agencies and what they can provide.
- Agencies have also been giving landowners more credit for their efforts, and in turn landowners feel less scrutinized and more part of the solution.
- The funding is out there, making the connection between restoration practitioners and landowners to get it on the ground is an ongoing collaborative effort.

Impediments

- Even with restoration efforts in areas affected by the fires, there is still a major potential for these events to affect water quality. There are also concerns on how the monitoring will differentiate between contributions from the fire damage, versus agricultural contributions to water quality.
- Many perceive main ag issue to be manure and livestock waste in water when the real concern is erosion that livestock can cause. Phosphorus loading from erosion, runoff events is the real beast. Could be an opportunity for ODA to refine messaging when explaining benefits of riparian vegetation and why it is essential to maintain.
- Army Corps of Engineers dikes in the Sprague contribute phosphorus inputs and inhibit restoration goals by disconnecting floodplains.
- No comprehensive inventory of implemented practices: may be in the making.
- Different perspectives on what practices to recommend and potential unintended consequences.
- Detrimental effects of climate change on water quantity and quality.
- No delineation of agricultural contributions (sources and geographic areas) to water quality impairment in the MA.
- Landowner fear of government regulation.
- Difficulty understanding documents like the Klamath Headwaters AgWQ Management Area Plan.
- Many agencies don't have the staffing or capacity to administer available or upcoming funding.
- It can be challenging to decipher what regulations come with different funding sources.
- It can be challenging to get landowners to want to engage in projects/receive funding/aid.
- It can be challenging when funding has a finite timeline.
- Historic impacts to watershed are a huge hang up for restoration, compliance (e.g., disconnected floodplains).

Recommended Modifications and Adaptive Management

- Find a way to track sediment in the watershed coming from the upland burned areas and quantify it in the monitoring data so that it can be differentiated from agricultural contributions.
- Smaller work group could be formed to discuss adjustments to SIA monitoring strategy to better understand wildfire influence on water quality.
- Modify language in SIA letters ODA sends out to be more positive and constructive. Letters can be alarming to landowners and even intimidating, especially for those who have never worked with ODA or local agencies. Better to explain benefits of having a watershed assessed in this way.
- More outreach by ODA employees, that way if a landowner does receive a letter, he or she will be more familiar with agencies and individuals who may be able to help. Ongoing informational presentations about ag water quality, participate in SNW Listening Sessions.
- Develop more handout material to provide landowners with contact information, funding opportunities, and Area Plan information. Provide the existing Executive Summary to LAC members to garner feedback.

ODA COMPLIANCE ACTIVITIES (1/1/2022 through 8/31/2023)

Location	Cases		Site Visits	Agency Actions				
	New	Closed		Letter of Compliance		Pre-Enforcement Notification	Notice of Noncompliance	Civil Penalty
				Already in compliance	Brought into compliance			
Outside SIA	7	6	14	3	1	6	1	0
Within SIA	2	1	2	1	0	0	0	0