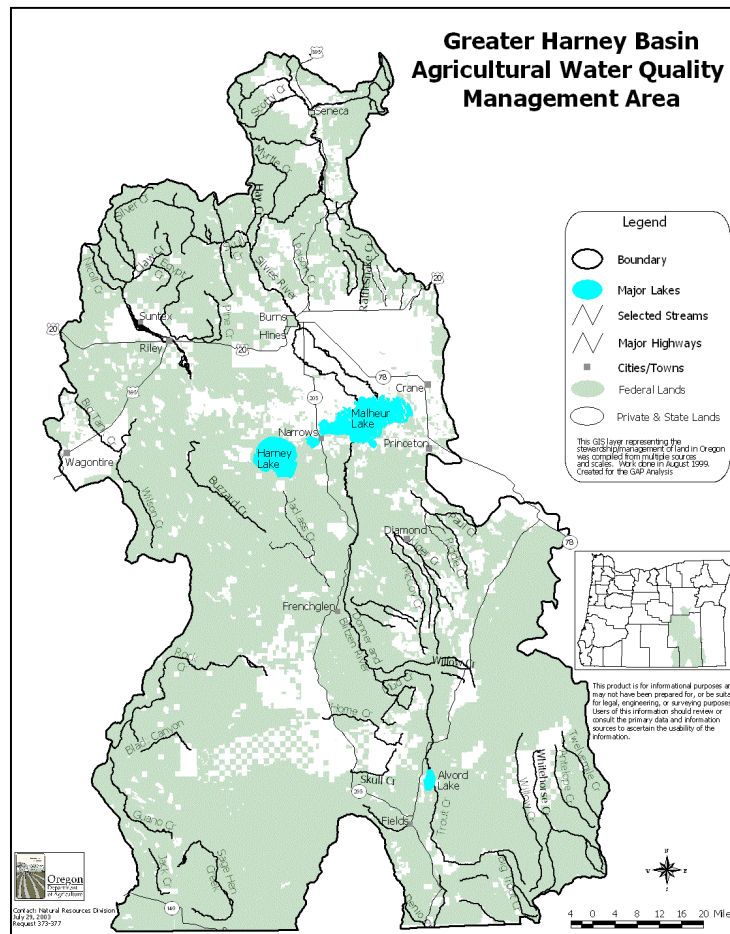


GREATER HARNEY BASIN

AGRICULTURAL WATER QUALITY MANAGEMENT AREA PLAN AND RULES

2nd BIENNIAL REVIEW REPORT TO THE OREGON STATE BOARD OF AGRICULTURE

December 17, 2007



I. INTRODUCTION

The Greater Harney Basin Local Advisory Committee (LAC) submits this report to the Board of Agriculture to summarize and evaluate implementation of the Greater Harney Basin Agricultural Water Quality Management Area Plan and Rules.

The Area Plan and Rules were created following passage of the Agricultural Water Quality Management Act in 1993. The Oregon Legislature adopted the Act to address concerns about agricultural effects to water quality.

From 2001 through 2003, ODA and the LAC developed an Area Plan and associated Administrative Rules for the Greater Harney Basin. The Oregon Department of Agriculture (ODA) adopted the Area Plan and Rules in September 2003. The Harney Soil and Water Conservation District (SWCD) has served as the Local Management Agency for the development and implementation of the Area Plan and Rules.

II. BACKGROUND

When developing the Area Plan and Rules, the LAC identified several objectives and strategies to protect and improve water quality:

1. Minimize agriculture's contribution to water quality concerns.
2. Focus on education, not regulation.
 - Develop strategies to provide landowners with information and technical and financial assistance
 - Continue to include landowners, land managers, and local communities in developing and implementing the Area Plan and the associated Area Rules
 - Inform the general public about beneficial agricultural practices

Two Area Rules were adopted:

1. Desired Streamside Riparian Condition.

Effective January 1, 2006, consistent with site capability, persons shall allow regeneration and growth of riparian vegetation along natural waterways to provide for bank stabilization, filtration of sediments and nutrients, the sustainability of riparian community integrity through spring runoff and larger storm events, and shade and aquatic habitat. Water gaps, livestock watering, and hardened livestock crossings in streams that otherwise have desired streamside riparian conditions are allowed. This Rule does not apply to natural waterways, such as sloughs and backwater areas, which only hold water for short periods of time during spring runoff.

- ### **2. Waste Management.** Effective on rule adoption, no person subject to these rules shall violate any provision of Oregon Revised Statute (ORS) 468B.025 or ORS 468B.050.

III. IMPLEMENTATION, 2005-2007

A. Technical Assistance and Outreach

The Harney SWCD worked closely with ODA, Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA), Harney County Watershed Council, and OSU Extension to provide competent technicians, coordinators, monitoring services, workshop presenters, and initiate mass media campaigns.

SWCD

Newsletters— Five newsletters produced and distributed. Each mailing consisted of approximately six pages. Newsletters are also distributed at the local USDA Service Center.

Newspaper articles— One article related to the Area Plan appeared in local papers.

Presentations or displays to groups—

Thirteen presentations on the following topics were provided to 200 people:

- Macroinvertebrates & Water Quality in the classroom.
- Harney County Fair booth displays.
- Community neighborhood meetings to share information

Website— The Outreach Coordinator is developing a website, which will include information about the Area Plan.

Coordination with other agencies—

SWCD staff provided Area Plan presentations to DEQ, BLM, USFWS, US Forest Service, Department of State Lands, Burns Paiute Tribe, ODFW, FSA, and NRCS. SWCD staff coordinated community resource meetings with BLM, Oregon Department of Forestry, ODFW, Harney County Watershed Council, NRCS and USFWS.

On-the-ground Plan implementation:

- Approximately 610 willow cuttings planted along 3 stream reaches; 100 bare root shrubs planted on 1 stream reach.
- Five watering facilities and associated delivery systems to manage grazing.
- Pre-commercial pine thinning and piling on 450 acres.
- Three riparian pastures totaling 10,020 acres established. (Includes one large BLM allotment pasture).
- Established one off-site watering pond.
- 5,000 acres of wetland restoration (channel excavation, levee removal, ditch filling).
- 1,090 acres of invasive species mechanically treated in 3 sub-watersheds; 158 acres of riparian buffers planted post treatment.
- 1,170 acres of thinning and 1,000 acres

of piling western Juniper.

- Proper Functioning Condition (PFC) assessments on 5 miles of stream.

NOTE: The District made significant contributions in the Malheur Plan Management Area, but they are not reviewed here.

Archive for LAC— The SWCD has coordinated and archived all LAC correspondence and LAC meetings and meeting records.

Grant projects developed— The SWCD worked with 8 landowners to develop 7 Oregon Watershed Enhancement Board small grant projects.

Harney County NRCS/FSA

The office enrolled 1,273 acres in 21 CREP contracts. In addition, 6 EQIP plans benefiting water quality were produced.

Harney County Watershed Council

- Completed a Juniper Education video entitled “The Quiet Invasion”; distributed over 2,100 copies statewide.
- Completed its fifth of seven sub-basin assessments (Alvord Lakes).
- Worked with the Harney SWCD and Burns District BLM to fund a riparian educational workshop for local landowners and agencies.
- Finishing up two large landscape juniper projects to restore over 2,600 acres of private lands in conjunction with 2,000 acres of public lands.
- Small grants along Silvies River: riparian pasture with willow plantings for more than a mile; pipeline project provided off-stream water to a landowner who voluntarily fenced his stretch of the river.
- Received funding for an additional four OWEB grants, including restoration, watershed assessment, education and outreach.

B. Monitoring and Evaluation

DEQ database

ODA evaluated data from four water quality monitoring stations operated by the Oregon Department of Environmental Quality in the Management Area. Most of these data were collected prior to 2001. Only two sites had been sampled (once) in the last two years.

The LAC recognized that many federal agencies are monitoring water quality on their own lands, and they requested this information for their next biennial review.

Additional Recommendations for Monitoring Sites

ODA recommended adding a site on Silver Creek upstream of Moon Reservoir. The LAC agreed that Silver Creek would be a good stream to monitor, however more than one site would be needed as the upper watershed is a high gradient system, while the lower watershed, which includes the suggested monitoring site, is quite flat.

C. Complaints

ODA has received no complaints in the Management Area.

IV. BIENNIAL REVIEW PROCESS

In December of 2007, the LAC met for the second biennial review and update of their Area Plan and Rules. Landowners representing agricultural commodities (livestock and hay) serve on the LAC. Other interests include the Burns-Paiute Tribe, Grant and Harney County Farm Bureaus, local producer and commodity groups, Harney County Watershed Council, fisheries biologists, and the Harney County Court. The following LAC members participated:

- Bob Kerby, Chair
- Jack Southworth, Vice Chair
- Gary Defenbaugh
- Susan Hammond

- Karen Moon
- Steve Rickman
- Jason Fenton for Lawrence Schwabe
- Ron Whiting

In addition, the meeting was attended by 5 private landowners

Representatives from Eastern Oregon Agricultural Research Station, OSU Extension Service, NRCS, Bureau of Land Management (BLM), US Fish and Wildlife Service (USFWS), and Oregon Department of Fish and Wildlife (ODFW) actively participated in meeting discussions.

SWCD staff updated the LAC on their implementation activities, while ODA staff provided information on activities statewide, especially related to compliance.

Committee members agreed to update the Area Plan to include the latest information about the TMDL schedule in the Management Area and recent revisions to the 303(d) list.

V. RECOMMENDATIONS

The LAC recommended a field day for themselves and other interested parties on the riparian rule and how ODA enforces it. They also requested copies of ODA's investigation forms so that they could better understand ODA's process.

They also requested that the next biennial review include:

- Review of the riparian rule in relationship to complaints that have been investigated in the interim.
- *Short* updates from federal agencies regarding their WQ monitoring and restoration plans and activities