

## **Biennial Review Request for Comments From DEQ (revised 8-28-12)**

*"The State Department of Agriculture and the State Board of Agriculture shall consult with the Department of Environmental Quality or the Environmental Quality Commission in the adoption and review of water quality management plans and in the adoption of rules to implement the plans." ORS 568.930(2)*

Survey Checklist for (basin description): **Hood River**

DEQ Basin Coordinator: Bonnie Lamb

Date: **November 5, 2014**

(If answered "no", please provide information and/or example language)

### **I. Area Plan Content**

#### **A. Issue identification**

1. Does the Area Plan include all water quality limited water bodies, including 303(d) listed and with approved TMDLs?

*DEQ COMMENTS: Partially (Section 2.3.2) - The Plan includes all Category 5 and Category 4a listings. It does not include Category 4 (Water Quality Limited, TMDL not needed), although it does reference the Category 4c listings for habitat modification and flow modification.*

2. Does the Area Plan adequately reflect current TMDL status?

*DEQ COMMENTS: Yes (Sections 2.3.2 and 2.3.3) - the only TMDL that has been completed for the Plan area is for temperature (2002).*

3. Does the Area Plan sufficiently present the TMDL load allocation that it is intended to address?

*DEQ COMMENTS: Yes (Section 2.3.3) - the Plan discusses the shade targets from the TMDL and provides a composite generalized shade curve from the TMDL. The shade curves are described as guides that landowners can use to determine if they have sufficient riparian vegetation. And the Plan describes the need for maintaining adequate native riparian vegetation to meet these targets.*

4. Does the Area Plan adequately include items from applicable Groundwater Management Area Action Plans?

*DEQ COMMENTS: N/A*

5. Does the Area Plan present the requirements of Coastal Zone Management Act applicable to agriculture?

*DEQ COMMENTS: N/A*

6. Does the Area Plan include sufficient items from the State of Oregon; Pesticide Management Plan for Water Quality Protection?  
*DEQ COMMENTS: Yes (Sections 1.5.4 and 2.3.2) – These two sections describe the statewide pesticide management and stewardship program, followed by more specific information about the Pesticide Stewardship Partnership program in Hood River.*

7. Does the Area Plan sufficiently address the needs in drinking water source areas related to agricultural pollution sources within the geographic area of the plan?  
*DEQ COMMENTS: Yes (Section 2.3.4) – The Plan describes drinking water source areas, which could be impacted by agricultural pollution sources, primarily the Parkdale and Odell Water companies. The Odell Water Company has had high nitrate levels in their spring water in the past, although levels have been slowly dropping.*

*The Plan does not identify a task for further evaluation of the possible effects of agricultural pollution sources on drinking water. During the last biennial review, the LAC declined to add this as a task for consideration because they felt that agricultural lands had a minimal effect, if any, on drinking water source areas. DEQ agrees that this is a low priority task at this time, although would encourage the LAC to add this in the future if monitoring suggests there is a tie between agricultural activities and contamination of drinking water sources.*

*ODA RESPONSE: Agricultural water quality regulations currently require that producers prevent and control water pollution. Protection of drinking water sources is encompassed in the existing regulations. However, ODA welcomes a summary of information from DEQ about drinking water source areas. The Hood River SWCD requested GIS layers for the source protection areas to evaluate areas for any potential agricultural threats.*

B. Goals and Objectives:

1. Do the goals and objectives of the Area Plan clearly state that the purpose of the Area Plan is to prevent and control water pollution and to meet water quality standards?

*DEQ COMMENTS: Yes, this is stated in the Area Plan goal (Section 3.1).*

2. Does the Area Plan include clear and measurable objectives that are designed to meet water quality standards and TMDL load allocations?

*DEQ COMMENTS: Partially – Section 3.2 describes one measurable objective related to classifying riparian condition. This measure is clearly related to TMDL load allocations. The details of where and when this objective will be achieved will be determined in the 2016 biennial review.*

*DEQ COMMENTS: There are no measureable objectives identified for anything other than riparian conditions. DEQ recommends that the LAC develop measureable objectives for other parameters as well, relative to meeting water quality standards. During the last biennial review, ODA indicated that the LAC thought that more baseline information was needed before developing additional measures. Given the PSP program in the watershed, it seems like measureable objectives could at least be developed for this one additional issue.*

*ODA RESPONSE: Elevated water temperature is the primary water quality issue related to agriculture, and the SWCD and LAC has chosen to focus their efforts on improving streamside vegetation. Improved streamside vegetation will address other issues such as sediment and bacteria. Pesticides will be revisited at the next biennial review.*

C. Strategies to Meet Water Quality Goals and Track Progress

1. Are geographic and/or water quality issue priorities listed in the Area Plan consistent with TMDL and GWMA priorities?

*DEQ COMMENTS: Yes - Throughout the document, improvements in riparian conditions are identified as a priority. The temperature TMDL identifies three primary sources of human-induced changes that can cause streams to heat up: riparian vegetation disturbance or removal; channel modifications or widening; and reduction of summertime flows. The Area Plan addresses all three of these issues. The Plan also includes management measures and discussion of other water quality issues – such as bacteria, pesticides, and flows – all of which are important issues, although not part of the TMDL.*

*Based on computer modeling done during the TMDL process to evaluate shade conditions, the selection of Indian Creek and Neal Creek as the first two geographic priority areas is consistent with the TMDL. Odell Creek was also identified as a sub-watershed where riparian conditions were equally, if not more so, in need of improvements. DEQ would encourage ODA and the SWCD to focus riparian improvement efforts in this watershed, as they are able to do so. This watershed is identified as Priority Stream #4 in Section 3.4, with Whiskey Creek listed as #3. We do not have temperature modeling information for Whiskey Creek.*

2. Are geographic scales and implementation actions identified in the Area Plan appropriate to track implementation, progress, and effectiveness?

*DEQ COMMENTS: Yes - Breaking the area into watersheds by priority seems appropriate. The Plan clearly describes how riparian work is being prioritized in the Indian and Neal Creek watersheds. Section 4.3 and Table 8 show the results for assessments for Indian Creek, which seems like a great start towards assessing conditions.*

*Has other water quality-related work been prioritized in these watersheds – or in other watersheds?*

*ODA RESPONSE: No. As stated above, the emphasis is on streamside vegetation, for which the watersheds have been prioritized.*

3. If applicable, is the Watershed Approach Action Plan addressed?

*DEQ COMMENTS: N/A*

4. Does the Area Plan provide sound evidence or reasons why implementation actions could lead to pollution reduction? If some of the implementation actions are not consistent with TMDL and other WQ goals, explain why those practices do not contribute toward meeting those WQ goals.

*DEQ COMMENTS: Yes – Implementation actions identified in the Plan clearly target pollutant sources and will lead to pollutant reduction. A more detailed timeline by priority areas (other than the Neal and Indian Creek watersheds) would provide more confidence in the ability to meet targets throughout the Plan area.*

5. Does the Area Plan include timelines, schedules, and measurable milestones that are consistent with the TMDL WQMP?

*DEQ COMMENTS: Partially - A timeline has been developed for the Indian Creek and Neal Creek watersheds, but not for the rest of the Plan area. This information will be determined in the 2016 biennial review, with the next time to assess compliance being 2026 (Section 3.2). We would encourage the LAC and ODA to establish more frequent interim milestones – at least one more evaluation point in 2021 (five year intervals).*

*ODA RESPONSE: At the biennial review, the LAC decided that they would not develop Management Area-wide objectives at this time due to limited SWCD and Management Area resources but continue to develop 2-4 year objectives for the Focus Areas.*

6. Is monitoring adequate to determine whether progress is being made to achieve the goals of the plan? If no, are monitoring needs identified and is there a strategy to meet those needs?

*DEQ COMMENTS: Probably – The monitoring described in Chapter 4, including Tables 6 and 7, seems adequate for tracking progress. It is not clear how the monitoring results described in Sections 4.3 and 4.4 relate to each other and will be used together to evaluate progress in the Plan areas.*

*ODA Response: Streamside monitoring described in Sections 4.3 and 4.4 describe data collected as part of a assessing progress in a Focus Area and that a random state-wide effort to assess progress made in agricultural areas throughout Oregon, respectively. They provide two different assessments of streamside vegetative conditions that ODA, the SWCD/LMA, and LAC will consider when evaluating progress.*

## **II. Implementation/evaluation**

- A. Are voluntary efforts sufficient to implement the Area Plan or are additional incentives needed to increase the rate of participation?

*DEQ COMMENTS: Yes – Table 6 is an impressive list of activities. We continue to be impressed with the efforts of ODA and SWCD staff working in this Area. We suspect that voluntary efforts, combined with enforcement as occasionally needed, are sufficient to implement the Plan.*

- B. Are milestones and timelines established for Area Plans achieving the goal of the Program?

*DEQ COMMENTS: Yes - While the LAC and ODA are still working on developing the specific timelines and milestones, it appears likely that what is being developed will improve water quality conditions in the Plan area.*

- C. Is reasonable progress being made towards accomplishing milestones and timelines in the Area Plan?

*DEQ COMMENTS: Yes – While the LAC and ODA are still working on developing the specific timelines and milestones, the work that has been implemented to-date is making good progress towards improving water quality conditions in the Plan area.*

## **III. Area Rules**

- A. Are the prohibited conditions likely to be effective in making reasonable progress towards meeting state water quality goals?

*DEQ COMMENTS: Yes – This Plan does not identify “Prohibited Conditions” but rather “Requirements.” The required conditions should be an effective way to achieve water quality improvements if adequate enforcement is taken to discourage the occurrence of prohibited conditions, and if adequate resources are available to assist farmers to implement BMPs.*

- B. Are additional prohibited conditions or other mandatory control measures needed?

*DEQ COMMENTS: No - not at this time.*