



July 12, 2018

Oregon Environmental Quality Commission  
Department of Environmental Quality  
700 NE Multnomah Street, Suite 600  
Portland, OR 97232

## HAND DELIVERY

*Re: Oregon Agricultural Water Quality Management Program*

Commissioners:

Thank you for your recent attention to Oregon's Agricultural Water Quality Management Program. The Oregon Farm Bureau, Oregon Cattlemen's Association, Oregon Association of Nurseries, Oregon Seed Council, Oregon Wheat Grower's League, Oregon Dairy Farmers Association, Columbia Gorge Fruitgrowers, and Oregonians for Food & Shelter are writing to express our support for the Program and to encourage the Environmental Quality Commission (EQC) to direct Oregon Department of Environmental Quality staff to continue to support the Oregon Department of Agriculture's work to achieve nonpoint source water quality goals in Oregon.

## Introduction

Our organizations represent farmers and ranchers across the state in the legislative and policymaking arenas. With a collective membership totaling over 14,000 members statewide, we represent the agricultural industry. Our members grow a wide variety of livestock and crops in all regions of the state, and represent Oregon's family run operations farms, some of which farm and ranch thousands of acres across the state, others who farm and ranch only a few acres. Our farmers and ranchers utilize a variety of growing methods, including conventional, organic, biotech, low tech and high tech operations, and sell their products to local farmers markets, direct from their farm, across the United States, and internationally.

Given the diversity of Oregon agriculture, it is critical that Oregon's Agricultural Water Quality Management Program (AWQMP) remain responsive to the the individual needs of Oregon's farmers and ranchers across the state, while ensuring that agriculture is doing its part to meet Oregon's water quality goals. We believe that the Agricultural Water Quality Management Program meets these dual goals. Indeed, available data indicates that nonpoint source areas – the forested and agricultural lands in the state - have the state's best water quality.

This doesn't mean agriculture can't continue to improve and push for innovative solutions to any agricultural water quality challenges, but it does mean that agriculture in Oregon – under the Agricultural Water Quality Management Program – has been doing its part to help ensure that Oregon's water quality is protected for future generations.

Importantly, our members share the ethos that rural Oregon is a good place to live, work, and raise their families, and they take their obligations as stewards of their natural resources very seriously. Oregon farmers and ranchers have always led the way nationally in terms of embracing programs to protect water supply and water quality, as evidenced by Oregon's robust programs regulating surface water diversions (1909), groundwater diversions (1955), confined animal feeding operations (1988) and agricultural water quality (1993).

As we meet with our counterparts in other states, many of them are just beginning to grapple with water supply and water quality regulation in the face of significant resource challenges. We are glad Oregon's agricultural community embraced these programs early on, and continue to support them today. If we want these programs to remain effective for the next 50 years, it is critical that the state continue to honor the commitments it made to work with agricultural landowners and respond to their local needs in implementing these programs, and to recognize the regulatory burden that landowners have shouldered as a consequence of supporting these programs.

### **Oregon's Agricultural Water Quality Management Program**

The Oregon Legislature enacted the Agricultural Water Quality Management Act (AWQMA or SB 1010) in 1993. The program was designed to provide a localized, effective regulatory mechanism for reducing agriculture's nonpoint contributions to water quality. Since adoption of the AWQMA, the State of Oregon and Oregon agriculture have expended significant resources to support and help establish the rules and procedures to implement the Agricultural Water Quality Management Program and to invest in water quality improvements on agricultural lands. Our members have invested thousands of hours in the Program through their participation on their local advisory committees, their local soil and water conservation district and watershed council boards, and working with local water quality specialists at ODA on improvements on their properties.

Under the AWQMA, ODA works to develop local area plans in each region with DEQ and the local advisory committee. These plans identify the water quality challenges, requirements and goals for the region, and provide the basis for future work to move toward meeting those goals. The requirements in the local area plans are then incorporated into the local area rules, which become the regulatory requirements for the AWQMA for that basin. ODA can enforce these requirements, and require landowners to take action if a landowner is violating a requirement in the rules. The plans, on the other hand, set out the aspirational goals for the region, which landowners work on their own and through incentive based programs to achieve.<sup>1</sup>

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<sup>1</sup> ORS 568.909- ORS 568.912

Often the goals in the plans deal with legacy conditions, or conditions where the landowners' current agricultural practices are not causing any issues, but where practices engaged in decades ago are having lingering impacts on water quality. For example, in the mid-20<sup>th</sup> Century, the government believed that pulling all the debris out of waterways would facilitate drainage, reduce erosion, and improve the soil, so they pulled vegetation out of waterways. In many agricultural areas, invasive species such as crabgrass and blackberries took over, reducing the riparian health of those waterways. Many incentive based program encourage the landowner to remove all the invasive species and pay for them to replant with native vegetation, which then must be heavily maintained for several years to ensure that invasives do not return. The Program's regulatory and incentive based work are both critical to ensuring that Oregon agriculture is continuing its record of protecting water quality on agricultural lands.

With over 220 commodities spanning several different basins in Oregon, it is essential that Oregon's program remain based upon local conditions and needs. Each of Oregon's 220 commodities has wide variations in the farming practices necessary to support those commodities, and each of these practices may interact with water quality in a different way. One of the most successful parts of the Agricultural Water Quality Management Program has been the fact that it is outcome based, not condition based. For example, under the "riparian rule" each farmer is obligated to make sure their practices are not negatively impacting the riparian area, but they can decide how to achieve that goal within their operation's needs. ODA and the Soil and Water Conservation Districts work with each farmer to ensure the program requirements are being met while allowing practices to vary among regions, different practices, and different commodities. This localized approach has been very successful in encouraging water quality improvements while allowing for local variation in needs.

### **Agriculture's Work under the Agricultural Water Quality Management Program**

The AWQMA was intended by the legislature to be the sole regulatory mechanism for addressing nonpoint source agricultural contributions to water quality in Oregon. Since its implementation, the agricultural community, in conjunction with ODA, local soil and water conservation districts, and other partners, has worked diligently to ensure that agricultural operations in the state are protecting water quality in and around agricultural lands. As discussed above, these programs have been very successful in protecting water quality and ensuring that our nonpoint programs remain protective of water quality.

Work on the Agricultural Water Quality Management Program has included substantial time and resource investments on behalf the State, federal partners, individual producers, and agricultural groups. These investments include millions of dollars annually by NRCS, the Oregon Watershed Enhancement Board (OWEB), and ODA.

While we do not have reliable tracking on the investments made by individual producers, internal surveys have documented that far more investment is made by individuals without state or federal assistance than is made by the state and federal investments combined. Individual investments include on farm irrigation efficiency, riparian projects, soil erosion reduction projects, and improvements in grazing management. We are working to evaluate ways to

document and report this on farm work to the State to ensure it is made part of the State's water quality investment tracking systems.

One of the challenges to documenting agriculture's work under the Agricultural Water Quality Management Program has been the lack of a reliable baseline for agricultural lands from the Program's inception in 1993. We are hopeful that improved tracking of investments – both funded and unfunded – on agricultural lands will help ensure that we document improvements heading into the future, and have additional data demonstrating that agricultural water quality is improving around the state as a result of the significant investments of our farmers and ranchers and their partners.

In recent years, we have noticed an increased interest by DEQ in the administration of the Agricultural Water Quality Management Program, including increased participation in the program due to the 2012 Memorandum of Understanding between DEQ and ODA. While we appreciate DEQ's interest and engagement in the Program, we have noticed a significant lack of communication and lack of understanding of agricultural practices and operational needs among DEQ staff working with the Program, which can lead to incorrect assumptions about agricultural contributions to water quality in the state or, even more concerning, incorrect modeling work that does not accurately represent conditions on the ground. We encourage DEQ staff to work with ODA and agricultural producers to ensure that their assumptions about agricultural operations are correct before they move forward with complex and expensive modeling efforts.

We are also aware of Trout Unlimited's recent letter to the Environmental Quality Commission on the Agricultural Water Quality Management Program. We firmly disagree with the organization's criticisms of the Program, which are the opposite of our experience. We have seen significant local changes to the Program in recent years as additional science and data becomes available in local basins, and our members consistently tell us that their local advisory committees are more engaged with DEQ than ever (and are required to accept DEQ's advice about their local plans). As for the lack of investment touted by Trout Unlimited, the annual investments made by partner organizations and our individual landowners are significant in each basin, and something both the state and our organizations are working to better quantify. However, had Trout Unlimited spoken with our groups, local landowners across the state, or local advisory committees in each basin, or researched the total investment made by landowners and their partners in each of these basins prior to writing their letter, we feel confident they would have reached a different conclusion about the success of the program.

### **Education is Critical**

Our organizations are working hard to educate new agricultural landowners about the Agricultural Water Quality Management Program, and to ensure that our members know when there are changes to the program. We have also supported the Strategic Implementation Area process to educate and assess compliance on agricultural lands in key basins. However, in order for our education to be successful and our landowners to have confidence in the program, they must feel as though their concerns are being listened to and the agencies involved with the program understand their needs and identify the real, verifiable challenges and opportunities within the Program. To this end, continued education of DEQ staff who will be working with

ODA on the program is critical to ensure that DEQ is working with regulated landowners to achieve water quality goals, not pushing ODA to adopt program requirements that will be impractical or unattainable for landowners.

We could like to help with this education. While we were happy to see the Environmental Quality Commission take part in a tour of some of the recent work accomplished under the Agricultural Water Quality Management Program, we are concerned that the tour did not accurately display the diversity of Oregon agriculture or the significant types of work that have been accomplished through the Strategic Implementation Areas or the Agricultural Water Quality Management Program more broadly. We would welcome the opportunity to provide a tour for the EQC, and ODA and DEQ staff, to view a greater variety of Oregon farms and ranches and learn more about the significant work that is being done by farmers and ranchers through this program, some with funding assistance, and much without.

We appreciate this opportunity to comment on the Environmental Quality Commission's recent interest in the Agricultural Water Quality Management Program. Please do not hesitate to contact us if you have any questions about this letter.

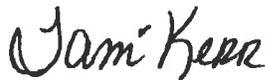
Respectfully,



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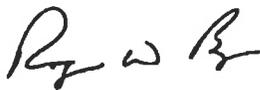
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