

**OREGON DEPARTMENT OF AGRICULTURE
AGRICULTURAL WATER QUALITY MANAGEMENT
PROGRAM ADVISORY COMMITTEE**

January 7, 2020

Oregon Department of Agriculture
Hearings Room
635 Capitol Street NE
Salem, OR 97301

Attendance:

Ken Bailey, Chair
Doug Krahmer, Berries NW LLC, Marion
SWCD
Danette Faucera, ODFW
Tony Barber, EPA
Jerome Rosa, OCA
Gene Foster, DEQ
Courtney Shaff, OWEB
Jeff Stone, OAN
Mary Anne Cooper, OFB
Audrey Hatch, OWEB
Jennifer Wigal, DEQ
Stephanie Hallock, BOA
Karen Lewotsky, OEC
Jan Lee, OACD
Marganne Allen, ODF
Tyler Ernst, OFIC
Samantha Bayer, OFB
Ken Yates, OWRC
Ryan Richie, DEQ
Chandra Ferrari, Trout Unlimited

Via Phone:

Elizabeth Howard, Schwabe, et al.
Ashley Zanolli, EPA
Sarah Liljefelt, Schroeder Law
Torrey Lindbo, City of Gresham
Theresa DeBardelaben, ODA
Ryan Beyer, ODA
Karen ??, OCA

ODA Staff:

Stephanie Page
Ellen Hammond
Brenda Sanchez
Kevin Fenn
Mike Powers
Cheryl Hummon
Jo Morgan
Jason Eck
Renita McNaughtan
Sandi Hiatt

Introductions and Welcome

Chair Ken Bailey opened the meeting by welcoming everyone and asked for introductions. He noted the progress the program has made and the important role of this diverse group and then turned the meeting over to Stephanie Page.

ODA Program Leadership Changes – Stephanie Page

Stephanie Page introduced Marganne Allen and noted she is replacing John Byers as the ag water quality program manager who retired at the end of December. Dale Mitchell also retired at the end of the year and Toby Primbs was promoted from the fertilizer program to the pesticide program manager position.

When John Byers announced his retirement, we looked at sustainability in the job; John had been with us for numerous years and we kept adding jobs to his plate. John started as the field burning manager, then the SWCD manager was added, and then the ag water quality manager. However, when it was field burning season, that was his main focus. Since his retirement, it was decided the field burning program would be moved to the seed certification services office.

Stephanie said another idea being explored is adding another manager to the AgWQ and SWCD programs. In the past, the SWCD had a manager position as well as a policy position. As the AgWQ program grows, and giving all of the other things the program does, it would be more sustainable to have another manager in the SWCD program, which is similar to Pesticides and Food Safety. One manager will be over technical and compliance work (Marganne) and the other over stakeholder and partnership work. Stephanie Hallock asked what the timeline is on this decision. Stephanie Page has a meeting with director's office to determine if budget will allow for it. Doug Kramer asked if it meets the mandate of less managers? Stephanie explained that the manager to staff ratio is more flexible but is still expected to be reviewed and calculated each biennium.

The water vision is a collaboration involving the State of Oregon, stakeholders, and citizens regarding priorities for long-term investments in Oregon's built and natural infrastructure. Several state agencies are submitting budget requests in the short session, which is unusual. ODA is one of the agencies that is submitting two requests; we originally submitted these requests in the 2019-21 biennial for SIA work around Oregon and funding a greater level of collaboration in the ground water management area in the Umatilla area. Both were well received but didn't make it into our budget at that time, so we are resubmitting. Stephanie asked for the group's feedback over the next few weeks on where they would suggest the two new staff would be located if they were hired. The feedback she has heard so far would be to add another staff to the west side and maybe southwest Oregon.

At the request of multiple stakeholders, ODA and PSP partner agencies have convened a Pesticide Stewardship Partnership advisory committee. The committee has had two meetings and will continue meeting throughout 2020, with a focus on developing a strategic plan and learning about the program and each PSP area. The other Pesticide related committee is a work group that is specifically looking at chlorpyrifos and focusing on ways to limit human exposure/bystander exposure. The first meeting was in December with a second meeting in a few weeks.

DEQ Update - Gene Foster and Ryan Michie

Gene Foster (manager, watershed management, DEQ) provided a water quality status and trend report update. He said the status and trend reports originally started off as DEQ's contribution for ODA's biennial reviews of the area plans through the local advisory committees. As DEQ was able to pull in information and do data analysis and interpretation on current status of water quality, etc., it became apparent that this information was also important for working with other designated management agencies. The WQ status and trends reports were revised this year to be statewide and used for most DMAs where TMDLs are issued. Instream water quality is evaluated for bacteria, DO, pH, and temperature. TP and TSS is evaluated (will be compared to TMDL allocations in future reports). DEQ issued the Willamette Basin mercury TMDL in mid-November and EPA disapproved it. EPA has a draft mercury TMDL out for public comment, which closes February 4th. Their TMDL is on the EPA website as well as the DEQ website along with the disapproval memo and rationale. DEQ is currently reviewing EPA's TMDL and determining a response.

There are several TMDLs in development: Coquille (bacteria, DO, pH, temperature) to be issued late this year, Upper Yaquina (bacteria, DO, temperature) to be issued late this year, Middle Siletz (DO, temperature) to be issued 2021, and Powder/Burnt River (bacteria, DO, temperature) to be issued 2021. The additional court ordered temperature TMDL revisions will take about half of DEQ's TMDL resources that are part of the litigation and will be likely 2023 before they will be issued.

DEQ and ODA Roles:

- DEQ: Data, science, and modeling; reports to EPA
- ODA: On-the-ground role (regulation; voluntary "uplift" with partners) and address TMDLs in Area Plans

- DEQ and ODA coordinate on a programmatic level as well as a regional level (two “riparian shade” pilots)
- Riparian shade (where available) is a new addition to DEQ’s status and trends reports

Ryan Michie (senior water quality analyst, DEQ) presented on two studies evaluating riparian shade conditions in the Southern Willamette as well as the Walla Walla and south Walla Walla River. These methods and results have been presented at multiple venues in the last few years and at last year’s AgWQ PAC.

Willamette Temperature TMDL Pollution Reduction Targets – the TMDL sets targets for effective shade needed along the streams to achieve applicable stream temperature standards. The project objective is to assess progress toward achieving shade targets. To measure effective shade in the field, a Solar Pathfinder is used, which measures the daily solar radiation flux blocked by vegetation and topography.

DEQ models shading along all streams in the USGS National Hydrography Dataset (NDH) high resolution stream layer. Intermittent streams are included to protect aquatic life, for intermittent streams that contribute cooler water to downstream waterbodies, and as a margin of safety to address inaccuracies in stream mapping. When more accurate stream classification is available, DEQ will make revisions.

Cheryl Hummon (riparian specialist, ODA) presented the Southern Willamette Shade Assessment west-side pilot, which is currently underway. DEQ provides results a for all land uses and also specifically for ODA. The mean shade target is lower for ODA since shading the larger rivers like the Willamette is more difficult.

ODA’s approach to intermittent streams:

- Compliance (regulatory) – case by case evaluation of whether shade is needed
- “Uplift” (voluntary) – shade may contribute to achieving water quality standards

ODA has strategic initiatives in the DEQ study area (implement and track progress):

- Focus Areas – 3 current plus 4 that are closed
- Strategic Implementation Areas (SIAs) – 3 current
- Temperature monitoring – 7 small watersheds

The pilot on the westside - ODA and DEQ coordinate at statewide programmatic level and the regional level is Jo Morgan, regional water quality specialist, and Priscilla Wolverton, DEQ Basin Coordinator. The results are discussed with the LAC and the Watershed Council in this area is very involved as well. At the LAC meeting, DEQ presents the methods and results and ODA covers what is put in the area plan and how the information will be used. Three ways the information can be used includes: looking at the status now, how big is the shade gap (difference between now and the shade target), and prioritizing for future efforts.

Eastside Pilot:

Ryan Michie presented regarding the Walla Walla and S. Fork Walla Walla rivers, which they divided into 5 reaches. They compared shade assessments from 1995 to 2017 showing progress toward achieving TMDL shade targets. There has been improvement toward all reaches; one reach attained the target.

Cheryl Hummon presented a graph with the same results that Ryan showed and noted that ODA plans to use the results to develop measurable objectives and prioritize future work.

Channel Maintenance – Mike Powers

Mike Powers (policy specialist, ODA) presented on the Channel Maintenance bill HB 2437 by providing a short history. Channel maintenance is critical to Oregon’s farms and ranches; it must protect water quality and fish and wildlife habitat; it provides important benefits but has been hindered by a complex Department of State Lands permit process. The State’s goals have not been achieved for adequate maintenance, water quality, or habitat. It is the State’s intent to simplify the regulatory process; improve the awareness and compliance; and allow channel maintenance in a manner that protects, maintains, and improves ecological function. HB 2437 allows for a workable process to maintain ag drainage channels while protecting fish and wildlife habitat and to identify opportunities to voluntarily restore, improve, or enhance ecological health and functions of these channels.

HB 2437 will streamline the process to maintain dry ag channels: i.e. human-made ditches and intermittent streams; moves regulatory process from DSL permit to ODA notification.

Next steps: Rulemaking - ODA and DSL are drafting the rules and are expecting to adopt them in the spring or summer and ODA is hiring an outreach specialist to help in implementing this process. ODA will be developing the notification process, forms, onsite inspection process, and audit process. Regions will be defined and will be phased in, and the phase in schedule is still being considered.

Focus Area Updates – Cheryl Hummon

Cheryl provided an update on the Focus Area process, which is District led and voluntary.

- Preassessment (current conditions);
- Set milestone for biennium;
- Outreach, technical assistance, funding, projects (“outputs”);
- Post-assessment (changed conditions) – (“outcomes”);
- Adaptive management (evaluate results).

The ODA-DEQ memorandum of agreement says “ODA will determine whether the target percentages of lands meeting desired land conditions, as outlined in the goals and objectives in the area plan, are being met.” We still find that the Focus Area process is valuable. The Focus Areas have had their challenges such as SWCD staff turnover, very competitive grant funding, some landowners uninterested in voluntary conservation. Fletcher Gulch has been a success story for a Focus Area.

Strategic Implementation Areas – Brenda Sanchez and Kevin Fenn

Brenda Sanchez (NR policy specialist, ODA) presented four components of the Strategic Implementation Areas (SIAs):

- Compliance with Oregon’s Agricultural Water Quality rules;
- Engaging landowners in voluntary, incentive-based conservation,
 - Monitoring to track water quality and landscape conditions (pre and post data),
- Partnerships – state and local;
 - Statewide partnerships (coordinated streamside management),
 - ODA, OWEB, DEQ, ODFW, ODF, SWCDS, WCs as well as nontraditional partners such as Trout Unlimited.

SIAs went from a compliance-based only initiative to adding a voluntary conservation aspect that brought OWEB to the table with \$1.6 million for the 2019-21 biennium. ODA met with the OACD board, then with a small group SWCDs, and then shared the schedule in two webinars for all of the SWCDs and another webinar for DEQ, ODFW, and other interested parties. In determining the schedule, we decided we could do nine SIA’s a year, then within the 38 management areas, we looked at the ag water quality concerns, the timely matching and leveraging of funding with other relevant partner

programs, and the ODFW native fish habitat priorities. The management areas were divided into four groups; A, B, C and D with Group A as the highest priority.

- Group A management areas – high priority water quality concerns, high to medium density agriculture and high priority fish habitat.
- Group B management areas – high priority water quality concerns, moderate to low density agriculture and high to second highest priority fish habitat.
- Group C management areas – high to low priority water quality concerns, moderate to low density agriculture and second highest to lowest priority fish habitat.
- Group D management areas – high to low priority water quality concerns, low density agriculture and lowest priority fish habitat.

2019 to 2023 SIA Implementation Schedule by AgWQMAs Proposed

<p style="text-align: center; font-weight: bold;">2019</p> <ul style="list-style-type: none"> • A - Coos-Coquille • A - Inland Rogue • A - Klamath Headwaters • A - Tualatin River • C - Upper Grande Ronde • C - Willow Creek • D - Goose and Summer Lakes 	<p style="text-align: center; font-weight: bold;">2020</p> <ul style="list-style-type: none"> • A - Clackamas Subbasin • A - Inland Rogue • A - Molalla/P/FP/North • A - North Coast • A - Yamhill • B - Mid-Coast • B - Middle Deschutes • B - Upper Deschutes • C - Wallowa 	<p style="text-align: center; font-weight: bold;">2021</p> <ul style="list-style-type: none"> • A - John Day River-North & Middle Forks • A - Upper Willamette • A - South Santiam • A - Umpqua Basin • B - Crooked River • B - Lower Deschutes • B - Umatilla • C - Burnt River • C - Walla Walla
<p style="text-align: center; font-weight: bold;">2022</p> <ul style="list-style-type: none"> • A - Lost River • A - Middle John Day • A - Southern Willamette • A - Tualatin River • B - Hood River • B - Sandy Subbasin • C - Malheur • C - Powder-Brownlee • D - Greater Harney Basin 	<p style="text-align: center; font-weight: bold;">2023</p> <ul style="list-style-type: none"> • A - Klamath Headwaters • A - Lower John Day • A - John Day-Upper Mainstem & South Fork • A - Middle Willamette • B - Curry • B - Lower Willamette • B - Mid-Coast • C - Wallowa • C - Willow Creek 	

D – Owyhee was not scheduled in the 2019 – 2023 and will be considered for the 2024-2027 schedule.



Compliance:

Kevin Fenn (compliance lead, ODA) reviewed what has been done in the program over the last several years. There are 38 management areas, each with different rules, however, all of the management areas have these two water quality rules:

- Do not pollute any waters of the state, or place wastes where they are likely to enter waters of the state.
- Allow site capable vegetation to develop and establish along streams that provide stable streambanks, shade, and filtering surface runoff.

If ODA staff observe poor conditions, we will open a case. We have been getting a lot of complaints of dead livestock lately - dead livestock can't be within ¼ mile of water for more than 15 hours without burying or burning it. Either ODA and DEQ can address this situation.

ODA prioritizes watersheds based on water quality concerns and ODFW fish priorities. Eastside SIAs are often larger because there are fewer landowners.

AgWQ Management Plan Biennial Review – Ellen Hammond

Ellen Hammond (monitoring lead, ODA) reviewed the new area plan template and talked about the history of the area plans. The original 38 plans were started in 2001; a rewrite of the plan template took place in 2014 for consistency; and in 2019, ODA streamlined the template to reduce process and bureaucracy. Soil health was added to chapter 1, chapters 3 and 4 were updated to facilitate LAC/LMA progress discussions to include measurable objectives (chapter 3 is what do we plan to do and chapter 4 is the progress made).

ODA is also streamlining the biennial review process by changing to “full” reviews (area plan revisions) every four years. The two-year interim meeting is a “lite” review that will still have useful discussions.

Wrap Up:

Several members of the Ag WQ Program Advisory Committee complimented the program’s development over the last five years. Comments included ODA-DEQ coordination, connecting implementation with monitoring, and improvements to the Area Plans. Committee members also expressed a concern that some Local Advisory Committees are less engaged and active than others. ODA shares this concern, has tried to address it in the past, and will try again. Committee members also expressed interest in soil health, and the associated conservation and economic benefits.

Stephanie Page asked whether the group would like to continue meeting annually with sidebar conversations as usual, or do we need to meet more frequently? Ken Bailey suggested if something comes up, we can call around to see if there is enough interest to justify having a meeting. Others suggested having a six-month meeting. Stephanie said that we are also able to have a meeting via Go-to-Meeting if needed.

Meeting was adjourned at noon.