

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

**December 7, 2017**

Oregon Department of Agriculture  
635 Capitol Street NE

**Attendance:**

Ken Bailey, Orchard View  
Stephanie Hallock, BOA  
Katie Fast, OFS  
Tracie Nadeau, EPA  
Curtis Martin, OCA  
Scott Dahlman, OFS  
Jerome Rosa, OCA  
Gene Foster, DEQ  
Dean Moberg, USDA-NRCS  
Troy Hadley, local farmer  
Carrie Sanneman, WP  
Audrey Hatch, OWEB  
Doug Kramer, berry farmer  
Jamie Damon, INR/OSU  
Meta Loftsgaarden, OWEB  
Carlos Ochoa, OSU

**ODA Staff:**

Lisa Hanson  
John Byers  
Ray Jaindl  
Mike Odenthal  
Kevin Fenn  
Mike Powers  
Sheila Marcoe  
Manette Simpson  
Cheryl Hummon  
Ryan Beyer  
Ted Bunch  
Judith Callens  
Heather Rickenbach  
Brenda Sanchez  
Sandi Hiatt  
Renita McNaughtan  
Tom Demianew via phone

**Via Phone:**

Mark Yeager, city of Albany  
Karen Lewotski, OEC

Ken Bailey welcomed everyone and asked for introductions.

**Clean Water Partnership & Coordinated Streamside Management** – Lisa Hanson (ODA) & Meta Loftsgaarden (OWEB)

Several years ago, the Governor’s Natural Resources Office (GNRO) created the Clean Water Partnership (CWP), with a focus on ag water quality. Meta and Lisa discussed feedback from stakeholders relating to not seeing progress or to work being done that is not being captured. The CWP had some starts and stops. To address these concerns, the GNRO assigned Meta and Lisa to develop the Coordinated Streamside Management (CSM) effort. CSM enhances the Ag WQ Program’s existing Strategic Implementation Area (SIA) process with monitoring at the landscape scale, and a long-term funding commitment from OWEB. The purpose is to measure progress toward water quality goals, not just compliance with ag water quality rules. A suite of tools will be used in addition to the usual SIA process, to achieve incentive-based “uplift.”

Lisa noted that ODA doesn't have enough staff to implement this approach everywhere but is helping the SWCDs to build the foundation. Lisa and Meta's vision is for the SWCDs to get into the habit of considering the CSM approach as their regular way of doing business. Monitoring fits in to help us tell the story.

SIA prioritization and selection is based on water quality status, fish priorities, and the presence of agriculture. The 2,100 12-digit HUCs with agriculture and streams have been narrowed down to about 1,000 that have water quality concerns.

OWEB's board has committed \$1.2 million to support the Soil and Water Conservation Districts (SWCDs) that will have an SIA in the 2017-2019 biennium. For each SIA, there is up to \$100,000 for technical assistance to work with farmers and ranchers, and an additional \$25,000 for monitoring and to train local staff to collect samples. The previous \$1 million from OWEB, for SIAs in 2015-2017, was for on-the-ground projects.

Lisa talked about the collaborative effort to create the monitoring strategy and how it will build into the other pieces. Meta said the purpose of monitoring is to show progress and learn what works and what doesn't. Monitoring will be at the reach and watershed scale, not field by field. Gene Foster (DEQ) explained that in each new SIA, DEQ will pull together data for analysis for status and trends for water quality, change in landscape, riparian, conditions expected pollutant loads, habitat response, etc. The CSM partners are looking to get more data into the DEQ database for consistency and for easier access.

The goal is to start six new SIAs each year. Some SWCDs have staffing capacity and won't need the OWEB grant funds. Long-term funding for technical assistance and monitoring will be needed for this effort to succeed and to help shift the way we address ag water quality. Projects will be funded from OWEB competitive grants, alignment with NRCS strategic areas, and potentially other sources. Other ag water quality tools are also important for making and showing progress, e.g. the Focus Areas.

### **ODA Pesticide Program Briefing – Mike Odenthal (ODA)**

Mike Odenthal shared that the Pesticides compliance cases for fiscal year 2017 totaled 685, with 104 being ag use cases (including 8 related to water), and 88 non-ag uses (including 9 related to water). One-third of the cases they handle are complaint based. The other cases resulted from routine inspections. The large caseload, which was partly due to the legalization of cannabis, prevented ODA staff from doing other routine but important work.

Mike shared a slide show of a few water- and cannabis-related cases. He noted that whenever a pesticide application is made directly to water by Oregon Fish and Wildlife to remove invasive fish, ODA Pesticide staff make an effort to be present. He then talked about cannabis and pesticide impacts. Cannabis growers may not be familiar with regulations and may use equipment that cannot measure or control application rates. For the first violation, the grower gets a pass but must go back to "school" to learn about pesticides regulations. If there is a second violation, the grower is cited for gross negligence.

### **DEQ TMDL Update – Gene Foster (DEQ)**

Gene Foster presented a PowerPoint that reviewed the Clean Water Act framework and Total Maximum Daily Loads (TMDLs). He said the TMDL “equation” is simple, however, the analysis is not, and he illustrated this in his presentation. TMDL development is made up of several components: waterbody, pollutant, water quality standard and beneficial uses, loading capacity, excess load, sources or source categories, waste load allocations, load allocations, margin of safety, seasonal variation, and reserve capacity.

Gene reviewed the TMDL development process:

- Identify water quality concerns
- Determine loading capacity and excess load
- Identify pollution sources (including point and nonpoint) and conditions contributing to water quality concerns
- Link sources and conditions to the water body
- Allocate pollutant loads, that when implemented, would result in attaining the water quality standard

Gene then talked about the TMDL implementation process. Water Quality Management Plan (WQMP) provides the framework for management actions used to direct TMDL implementation. The WQMP components are:

- Identify management alternatives that reduce pollutant loads allocated in the TMDL
- Quantify amount of management changes needed to meet load reductions
- Identify priority areas in watershed
- Develop timeline and budget
- Set milestones for implementation and interim water quality goals
- Adaptive management: implement, monitor, share information, learn, and improve

TMDL implementation and water quality management involves ODA for agricultural activities (AgWQ Mgmt Act); ODF for nonfederal forests (Forest Practices Act); SWCDs, OSU Extension, Watershed Councils for education, outreach, and implementation; DEQ for point source permits (Clean Water Act); local government agencies for urban and rural nonpoint source management; BLM/FS/COE for federal land management; OWEB/NRCS/FSA/DEQ for funding conservation, and private landowners for land management. Changes.

Gene reviewed the TMDLs currently under development:

- Hood River revised - temperature
- Klamath River and Lost River - nutrients
- Willamette Basin - mercury
- Klamath - temperature
- Coquille - DO, pH, bacteria, temperature
- Mid Coast - DO, pH, bacteria, sediment, temperature

### **Ag Water Quality Program Update - Mike Powers (ODA)**

Mike Powers gave a quick review of the history of the program: strategic initiatives, monitoring, measureable objectives, and what we see on the horizon. He reviewed the Focus Areas (FAs) and the Strategic Implementation Areas (SIAs), which are both

implemented in smaller watersheds. There are about 45 FAs around state – each one includes a pre-assessment, education, implementation, post-assessment, then evaluate the work and repeat the process. SIAs are an ODA-led compliance effort, with the CSM process added to provide incentive-based water quality “uplift”.

Mike also reviewed the evolution of monitoring in the program – additional ambient monitoring sites on ag lands; long-term temperature monitoring effort; statewide monitoring partnership team. We have been working with our Local Advisory Committees to develop streamside vegetation and land condition measurable objectives, but it has been more difficult than we initially thought. We’ve regrouped a little bit and are looking at better tools, such as remote sensing, and partners who may already have some of those tools, such as the NRCS. We believe that producers, technical assistance providers, and funders together have a great story to tell about conservation and improving water quality functions and land conditions. Unfortunately, all the work done is not reported at the same place or in a coordinated manner. We hope that in the future this can happen so we can show the actual rate of progress along our streams and in our landscape.

#### **Compliance Program Review – Kevin Fenn (ODA)**

Kevin Fenn reviewed how ODA initiates and implements compliance investigations. He shared the ag water quality 2017 compliance program report through December 1: 85 investigations opened relating to issues such as riparian, manure, sediment, nutrients, and pesticides. Of the 85 cases, 26 were in an SIA, 14 were initiated from ODA observations, 27 were other agency referrals, and 18 were public written complaints. Cannabis has been a large part of the incoming complaints, especially in the southern part of the state.

#### **Monitoring Strategy Update – Sheila Marcoe (ODA)**

Sheila Marcoe briefly reviewed the program goals in the ODA Monitoring Strategy – Inputs (outreach, technical assistance, funding); Outputs (on-the-ground practices); Short-term Outcomes (improved land conditions), and Long-term Outcomes (improved WQ). ODA’s monitoring efforts will: 1) Determine effectiveness in achieving upland and streamside vegetation conditions that protect water quality; 2) Determine effectiveness in achieving upland and streamside vegetation conditions that are in compliance; 3) Make modifications to protect water quality; 4) Identify geographic locations or specific issues.

#### **Ag Water Quality Program Strategic Initiatives – John Byers (ODA)**

John Byers provided an update on the Focus Areas (FAs). Every SWCD has a FA, with 48 open now. The FA process includes a pre-assessment, a milestone to achieve for the biennium, outreach, technical assistance, project implementation, a post-assessment, and adaptive management. The ODA Streamside Vegetation Assessment (SVA) is the assessment method used by most SWCDs. In 2015-2017, each FA had an average of 4 practices implemented (this is down from 5 practices in 2013-2015). In 2015-2017, 52% of FAs documented improvements in the assessment results, with 48% showing no change (this is down from 64% that documented improvements in 2013-2015). The reasons for these low numbers include: variable SWCD capacity, high SWCD staff turnover, time-consuming assessment methods, long timelines to get projects funded and onto the ground, and level of landowner interest. Some FAs are making great progress. ODA plans to

continue using FAs as an important program tool and will provide support and discuss expectations with SWCDs as needed.

Assessment methods for documenting progress will become easier in the future, once the state of Oregon acquires better remote sensing data and develops better methods. ODA is “at the table” to understand these developments and how they relate to the program.

John provided an update of the 2017-2019 SIA process, which entails meeting with SWCDs to discuss prioritization and SIA selection; ODA staff conducting a compliance evaluation; and holding partner meetings (ODA, SWCD, watershed council, ODFW, OWEB, and DEQ). The SWCDs/councils provide the local knowledge, ODFW provides habitat assessments and limiting factors, DEQ provides WQ data and targets, ODA provides the compliance evaluation, and all are involved in the monitoring plan. In 2015-2017, OWEB provided \$1 million for “projects” inside the SIAs for restoration, erosion control, bacteria improvement, etc. In 2017-2019, OWEB provides \$1.2 million for technical assistance to the SWCDs for planning, outreach, monitoring, project design, grant writing, engineering, etc. The change was made to conduct conservation activities in the SIAs to meet the goals of the Area Plans not just to achieve compliance, to provide technical assistance funds for SWCDs to build quality grant applications, to conduct monitoring to document water quality trends, and to identify and address legacy issues. ODA will conduct compliance investigations if necessary, Compliance pre-evaluation categories to be used are: Limited Opportunity for Improvement, Opportunity for Improvement, and Potential Violation. Evaluation methods used by ODA are based on publically available information such as aerial photos, topographic maps, stream location maps, property boundary maps, and field surveys from public roads.

### **Closing Remarks**

Ken Bailey thanked everyone for coming. He said the subject matter and goals haven’t changed much but the methods and tools have. The biggest value is working together with various industry groups, agencies, and it gives us confidence that everyone is hearing the same thing and getting the same information.