

Biennial Review Request for Comments From DEQ (revised 12-30-14)

"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: Upper John Day River Subbasin

DEQ Basin Coordinator: Tonya Dombrowski

Date: December 30, 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: A table containing 303(d) listed water bodies was added to the Area Plan as part of this review. The table was specific to the 2012 303(d) list.

ODA RESPONSE: Thank you for updating the Area Plan to include 2013 303(d) list.

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

DEQ COMMENTS: Yes. Revisions were made to the Area Plan during this review to reflect the current status of the temperature criteria.

ODA RESPONSE: N/A

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

DEQ COMMENTS: The Area Plan discusses load allocations for temperature, bacteria, dissolved oxygen, and biological criteria.

ODA S N/A

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

DEQ COMMENTS: The Area Plan contains a general section discussing the Pesticide Management Plan (PMP) for the state of Oregon. It does not provide a link between the PMP and water quality in the Upper John Day Subbasin. This should be addressed along with the addition of a section describing how better management practices (BMPs) will address pesticide water quality impacts.

ODA RESPONSE: Due to major changes and edits to the Area Plan, this Biennial Review will be addressed at the 2017 Biennial Review.

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

DEQ COMMENTS: The Area Plan discusses Drinking Water Source Protection in a very brief and general format. The Area Plan does not discuss the relationship of agricultural activities to drinking water source areas in the geographic area. Information on the DEQ website shows a drinking water source area for the city of Dayville. There may be some additional groundwater sources also (<http://www.deq.state.or.us/wq/dwp/dwp.htm>).

ODA RESPONSE: Due to major changes and edits to the Area Plan, this Biennial Review will be addressed at the 2017 Biennial Review.

6. Does the Area Plan include sufficient items from the State of Oregon; Pesticide Management Plan for Water Quality Protection?

DEQ COMMENTS: The Area Plan contains a general section discussing the Pesticide Management Plan (PMP) for the state of Oregon. It does not provide a link between the PMP and water quality in the Upper John Day Subbasin. This should be addressed along with the addition of a section describing how BMPs will address pesticide water quality impacts.

ODA RESPONSE: Due to major changes and edits to the Area Plan, this Biennial Review will be addressed at the 2017 Biennial Review.

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: The Area Plan discusses Drinking Water Source Protection in a very brief and general format. The Area Plan does not discuss the relationship of agricultural activities to drinking water source areas in the geographic area. Information on the DEQ website shows a drinking water source area for the city of Dayville. There may be some additional groundwater sources also (<http://www.deq.state.or.us/wq/dwp/dwp.htm>).

ODA RESPONSE: Due to major changes and edits to the Area Plan, this Biennial Review will be addressed at the 2017 Biennial Review.

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: Stated Area Plan goals specifically reference water quality improvement and pollution prevention to achieve applicable water quality standards.

ODA RESPONSE: N/A

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

DEQ COMMENTS: DEQ RESPONSE: While the Area Plan includes some good

discussion of objectives, it does not identify assessment metrics or measures that will be used to track compliance for Waste, Livestock, or Irrigation Management. Some suggested metrics may include:

Section 2.5.1 Nutrients and Manure Management (Waste Management)

It would be helpful if the definition of waste could specifically identify livestock manure. Metrics for determining progress toward attainment of TMDL objectives could include 1) Reduction/elimination of runoff flowing through areas of high livestock usage and carrying wastes into waters of the state, 2) Reduction/elimination of livestock waste accumulated in drainage ditches or areas of flooding.

Section 2.5.3 Livestock Management

Metrics for determining progress toward attainment of TMDL objectives could include 1) Increases in the number/extent of plant communities that are neither dominated by invasive annual plant species nor by overgrowth of native woody species. 2) Increases in the number/extent of areas where plant cover (plants plus plant litter) is adequate to protect site. 3) Reductions in the area/extent of locations where the distribution and amount of bare ground exceed what is expected for site. 4) Livestock utilization patterns do not exhibit excessive sustained use in key areas. 5) Increases in plant vigor levels and area/extent where regeneration is sufficient to protect long-term site integrity.

Irrigation Management

Metrics for determining progress toward attainment of TMDL objectives could include 1) Decreases in overland return flows and increases in return flow routing that provides for settling, filtering and infiltration. 2) Increases in sediment capture from irrigation runoff before it enters rivers and streams.

ODA RESPONSE: The LAC has decided not to develop metrics at this time.

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, the water quality priorities are consistent with TMDL priorities.

ODA RESPONSE: N/A

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

DEQ COMMENTS: Yes, the geographic scales and implementation actions are appropriate. These actions to date have energized local implementation activities.

ODA RESPONSE: N/A

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

DEQ COMMENTS: N/A

ODA RESPONSE: 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: In general, it does. A more detailed, updated timeline would provide more confidence as the Area Plan covers a large geographic area. In general, the implementation activities follow recognized guidelines (such as NRCS and SWCD), and the actions are connected to priorities developed by ODA, DEQ, SWCD, and local stakeholders.

ODA RESPONSE: Due to major changes and edits to the Area Plan, this Biennial Review will be discussed at the 2017 Biennial Review.

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

DEQ COMMENTS: Yes – The Implementation Activity Matrix that was included in the Area Plan Review Draft is outdated. It is assumed that the existing matrix will be updated at this Area Plan review to include the schedule for future activities.

ODA RESPONSE: Implementation Activity Matrix was updated.

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: There are not clearly defined monitoring strategies included in this draft of the Area Plan. The Area Plan should be updated to reflect the current monitoring strategy and activities. The monitoring section should include: monitoring of water quality conditions, assessment of land conditions, assessment of implementation of activities, and assessment of how well the Area Plan is working. DEQ recognizes that we need to be involved with helping to provide an evaluation of water quality conditions and that we did not have the staff resources to do that for this biennial review.

ODA RESPONSE: Due to major changes and edits to the Area Plan, this Biennial Review will be addressed at the 2017 Biennial Review.

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: At this point in time, voluntary actions are being implemented in the

subbasin. Landowners are becoming more actively involved and are participating in water quality and land management projects. Funding is more of a controlling factor than lack of cooperation. ODA and SWCD staff working in this Area is experienced, talented, and dedicated. DEQ is confident that their efforts, combined with any enforcement needed, will be sufficient to implement this Area Plan.

ODA RESPONSE: N/A

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

DEQ COMMENTS: The first stated goals of the Program is to “Prevent and control water pollution from agricultural and rural land activities and soil erosion to achieve applicable water quality standards.” The implementation and education programs currently in place will (if adequately funded and implemented successfully) act to achieve this goal.

ODA RESPONSE: N/A

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

DEQ COMMENTS: Yes. Primary constraints have been staffing and funding.

ODA RESPONSE: N/A

III. Area Rules

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

DEQ COMMENTS: There are not “Prohibited Conditions” in this Plan. Rather, the Area Plan contains “Requirements.” The required conditions identified appear to be sufficient. However, a well-funded monitoring program to determine land condition and compliance with rules is needed. Robust, well-funded outreach and educational programs are also critical.

ODA RESPONSE: Due to major changes and edits to the Area Plan, this Biennial Review will be discussed at the 2017 Biennial Review.

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

DEQ COMMENTS: No additional required conditions or mandatory control measures are needed at this time.

ODA RESPONSE: N/A