

MALHEUR

Agricultural Water Quality Management Area

Biennial Review Report to the Board of Agriculture and ODA Director

Submitted by the Local Advisory Committee (LAC)



OREGON
DEPARTMENT OF
AGRICULTURE

Meeting Date: January 9, 2024
LAC Members Present: Doug Maag (chair), Jim Bentz, and Marvin Rempel
Reporting Timeframe: Calendar years 2021 and 2022

PROGRESS MEASUREMENT (Malheur SWCD, Harney SWCD, Malheur Watershed Council, NRCS)

This was a Light Review; progress toward Measurable Objectives will be reported at the next Full Review.

Activities	#	Discussion
Events That Actively Engage Landowners	4	Harney Soil and Water Conservation District (SWCD) annual meeting. Natural Resources Conservation Service (NRCS) events open to the public.
Landowners Participating in Active Events	5	Three landowners attended the Harney SWCD annual meeting. NRCS had two landowners who participated in events.
Landowners Provided Technical Assistance*	170	Initial and follow up site visits for the Oregon Department of Agriculture (ODA); Bully Creek landowner engagement; Arabian pipeline; flood to sprinkler conversion; fencing; wetland improvement; buried pipeline; livestock troughs; electrical wire and pumps; water filters; water development; juniper thinning; precommercial forest thinning; and riparian restoration. NRCS assisted with conservation plans and pre and post project site visits.
Site Visits	180	Initial and follow-up site visits for ODA complaints; various on farm technical assistance site visits for practices listed above; and a site visit to discuss alternatives for a pivot project. NRCS site visits before and after practices are conducted.
Conservation Plans Written	18	Conversion from flood to sprinkler; juniper removal and seeding; weed control; NRCS conservation plans.
Funding Applications Submitted	82	SIA grant application, juniper removal, water quality technical assistance grant, off-site watering restoration grant on Crooked Creek; water quality in the Morgan Bench priority area and Arabian Pipeline; flood to sprinkler irrigation conversion in the Morgan Bench priority area: Horse Derby, Irrigating with Shoestring Water, and Nickel & Dime. Pounds of Efficiency and KWV Lite FM. Harney SWCD staff worked on developing Oregon Watershed Enhancement Board (OWEB) Small and Large Grant applications. Malheur Watershed Council receives OWEB funds for projects that address water quality and quantity concerns, and rangeland supporting multiple ecosystems. Eight applications submitted through NRCS.
Funding Applications Awarded	48	Arabian Pipeline (open lateral to pressurized system), Morgan Horse Derby, Irrigating with Shoestring Water and Let's Split the Bill (all were conversion from flood to sprinkler irrigation); Harney SWCD assisted in contracting projects that treated 5,002 acres of juniper and 74,909 acres of annual grasses. NRCS awarded eight applications to treat 8,474 acres of juniper and 799 acres of annual grasses. The Malheur Watershed Council recommended projects converting 357 acres including more than 14,000 feet of pipe, 465 feet of fencing, six pivots, and 17 sprinkler systems.

* Number reported likely double counts some landowners due to tracking methods.

LAC DISCUSSION

Summary of Progress

- Improving trends on the Oregon Department of Environmental Quality (DEQ) status and trends report reflects that progress has been achieved in the Management Area. The report shows overall improving trends at Bully Creek at Highway 20 and Malheur River at Little Valley.

- The involvement of Owyhee Irrigation District, NRCS, and OWEB in projects has helped the SWCD make progress in the Management Area.
- Malheur SWCD is on track to meet the 2030 measurable objective in the Morgan Bench Focus Area.
- Malheur SWCD monitoring is showing improvement overall. Flood-to-sprinkler irrigation conversion projects in the Morgan Bench Focus Area are showing improvements in water quality in the irrigation drains because there is zero runoff.
- The Harney SWCD conducts Candidate Conservation Agreement with Assurances 30-year plans, which pulls cattle to the uplands, reducing livestock pressure in riparian areas. They also conduct a lot of outreach and landowner engagement.
- Converting flood irrigation to sprinkler has greatly reduced pollution from entering streams. Water efficiency improvements have also benefited agriculture's economic viability in warmer or drier years.
- There is a lot of progressive work being done by private landowners in the Management Area.
- The Malheur Watershed Council has a lot of landowners contributing cash or in kind to project work showing that they are invested in the projects that are being done.
- All agencies in the Management Area work in the uplands, which also helps stream flows and riparian areas as part of watershed management.
- There are a lot of landowners who are doing restoration work on their own.

Impediments

- Projects would be more successful if there weren't so many requirements to obtain funding.
- Reporting doesn't reflect the work that landowners are doing on their own, so there is a big data gap.
- The recognition for upland related work is lacking from ODA. ODA doesn't always accept upland practices, even if they are providing a water quality benefit. That works need to be reported because the work needs to be elevated as much as possible.
- Local participants in the Total Maximum Daily Load (TMDL) committee did not accept the TMDL plan. The method to assess water quality, which was then used to develop the TMDL Water Quality plan, did not take all factors into consideration (e.g., naturally occurring phosphorus). Additionally, the TMDL targets set by DEQ are exceeded when the river leaves the reservoir, which is above agricultural lands.
- Lack of water and droughts impedes agricultural economic resources and makes it more challenging to meet regulations.

Recommended Modifications and Adaptive Management

- Need to have flexibility in long-term planning. Unexpected things like drought and wildfires come up so there is a need to be able to adapt without going through major hurdles with agencies.
- Work that landowners are doing on their own can be gathered via remote sensing.
- Work in the uplands effects water quality and should be included as part of watershed management. Upland work should be allowed to be reported to and reimbursed by ODA if the work is providing an agricultural water quality benefit.
- When assessing sources of water quality parameters of concern, all factors that may be contributing need to be identified and included. The success of TMDL water quality plans likely correlates with landowners' belief in the reliability of the data that the TMDL is based on. Also, agencies should collaborate with landowner to set feasible TMDL targets.
- More field events and field tours with landowners. If landowners are not participating, knock on doors to try to get the word out. Find a way to get neighbors involved.
- Recommend using language such as 'technical assistance' rather than 'conservation planning.' Agricultural landowners/operators are already very busy. The term 'plan' implies greater involvement and time commitment, making landowners reluctant to participate.

ODA COMPLIANCE ACTIVITIES

Location	Cases		Site Visits	Agency Actions				
	New	Closed		Letter of Compliance		Pre-Enforcement Notification	Notice of Noncompliance	Civil Penalty
				Already in compliance	Brought into compliance			
Outside SIA	2	1	4	0	1	2	0	0
Within SIA	1	0	3	0	1	2	0	0