

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 (basin description): **Lower Deschutes**

DEQ Basin Coordinator: Bonnie Lamb

Date: **November 5, 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: Yes (Section 2.3.2) - The Plan includes all Category 5 and Category 4a listings. It also references the Category 4c listings for habitat modification and flow modification.
2. Does the Area Plan adequately reflect current TMDL status?
DEQ COMMENTS: Yes (Section 2.3.4) - the only TMDL completed for this area is for temperature (2008) in the Middle Columbia-Hood (Miles Creeks) area.
3. Does the Area Plan sufficiently present the TMDL load allocation that it is intended to address?
DEQ COMMENTS: Yes (Section 2.3.4, Attachment 2) - the Plan discusses the shade targets from the TMDL and provides shade curves from the TMDL. The shade curves are described as guides that landowners can use to determine if they have sufficient riparian vegetation. And the Plan describes the need for maintaining adequate native riparian vegetation to meet these targets.
4. Does the Area Plan adequately include items from applicable Groundwater Management Area Action Plans?
DEQ COMMENTS: N/A
5. Does the Area Plan present the requirements of Coastal Zone Management Act applicable to agriculture?
DEQ COMMENTS: N/A
6. Does the Area Plan include sufficient items from the State of Oregon; Pesticide Management Plan for Water Quality Protection?
DEQ COMMENTS: Yes (Sections 1.5.4 and 2.3.2) - These two sections describe the statewide pesticide management and stewardship program, followed by more

specific information about the Pesticide Stewardship Partnership Program in Wasco County.

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: Partially (Section 2.3.3) – The Plan describes drinking water source areas, which could be impacted by agricultural pollution sources, using information from the Deschutes Watershed Approach (see Question C3) and from DEQ’s drinking water program.

Because of the evidence of high nitrate levels in groundwater in the lower Deschutes area, DEQ recommends that ODA and the LAC include a task in the Area Plan to further evaluate land uses around these source areas to determine if there is a potential for agricultural sources to contaminate source water. If there is such a risk, DEQ recommends ODA and LAC work with DEQ’s Source Water Protection staff to develop a strategy to address the potential issue. This recommendation is included in the Plan in Section 2.3.3.

ODA RESPONSE: At the Biennial Review, the Wasco County SWCD expressed a strong interest in pursuing these issues and asked ODA staff to get the necessary information from DEQ. In addition, Sherman SWCD staff agreed to pursue a re-sampling of the wells in their county.

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: Yes, this is stated in the Area Plan goal (Section 3.1).

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

DEQ COMMENTS: Yes, for the most part – clear and measurable objectives have been identified in Section 3.2, with back-up information provided in Section 2.4.2. The last version of the Area Plan (2012, stated that methods for assessing compliance would be determined by the 2014 biennial review. This appears to largely have been done in the current version of the Plan, with the exception of specific measures for streambank stability, pesticides, and nutrients. Streambank stability has been incorporated under Objective #2 but without any specific measures identified. Objective #3 addresses bacteria from livestock manure and states that pesticides will be addressed in the next revision of the Plan. This was stated after last year’s review as well. DEQ would encourage the LAC to incorporate measures for pesticides and nutrients (fertilizers).

ODA RESPONSE: The LAC believes that 1) streambank stability is addressed primarily through vegetation and that the vegetation assessment is sufficient for tracking progress on bank stability, 2) pesticides will be addressed next year as

this year's biennial review focused on a suite of Management Area-wide assessments, and 3) nutrients (fertilizers) will be addressed when and where data show they are an issue.

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 – Throughout the document, improvements in riparian conditions are identified as a priority. The temperature TMDL for the Middle Columbia-Hood (Miles Creeks) portion of the Plan area identifies three primary sources of human-induced changes that can cause streams to heat up: riparian vegetation disturbance or removal; channel modifications or widening; and reduction of summer time flows. The Area Plan addresses the first two of these changes, and the Wasco County SWCD has identified the Fifteenmile Creek watershed as their focus area.

While there are not TMDLs for the rest of the Lower Deschutes area, DEQ recommends that the LAC identify geographic and/or water quality priorities for the Sherman County portion of the Plan area.

ODA RESPONSE: Sherman County SWCD has one focus area, which happens to be in the John Day Basin portion of the county. The Sherman County SWCD will wait until the results of the Management Area-wide assessment before identifying priority areas in the Lower Deschutes Management Area.

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

DEQ COMMENTS: Possibly – It seems like the appropriate implementation actions have been identified in the Plan, although no geographic priorities have been identified other than the Fifteenmile Creek Focus Area. Methods are identified for tracking effectiveness (Section 3.2).

It would be nice to have a clearer idea about how the monitoring described in Sections 4.3.1 and 4.4 will be used to track progress and inform implementation in the future.

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

DEQ COMMENTS: Yes (Section 2.3) - A Watershed Approach Plan was developed for the Deschutes Basin in 2011. The water quality issues identified in the Area Plan are consistent with the issues described in the Watershed Approach document.

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.

Yes – Implementation actions identified in the Plan clearly target pollutant sources and will lead to pollutant reduction. A more detailed timeline by priority areas (other than the Fifteenmile watershed) would provide more confidence in the ability to meet targets in this large geographic area. The draft of the Plan that we reviewed did not include accomplishments and/or assessment of where the Area was in relation to targeted conditions.

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

DEQ COMMENTS: Yes – Section 3.2 indicates that baseline compliance conditions will be evaluated by 2016 for the three measureable objectives. Objective 2 pertains to the temperature TMDL for the Middle Columbia-Hood and establishes milestones for the establishment of site capable streamside vegetation. The Plan also describes the types of monitoring that will be used to measure compliance (Section 2.4.2.4).

DEQ recognizes that it may take time to measure improvements for all three objectives. In the current plan, baseline conditions will be assessed by 2016 and then the next point for evaluating conditions is 2026 (Section 3.2). We would encourage the LAC and ODA to establish more frequent interim milestones – at least one more evaluation point in 2021 (five year intervals). We also wonder if certain objectives and geographic areas will be targeted for implementation before other areas (such as the Fifteenmile Creek Watershed for riparian condition). We would encourage the LAC and ODA to provide more specific information in the Plan about how prioritization will occur.

ODA RESPONSE: The SWCDs agreed to re-evaluate the Management Area five years after the initial assessment. The amount of change measured in that interval will determine whether assessments will be done in the future at five or ten-year intervals.

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: Possibly – Section 4.2 describes some monitoring that has occurred over the past 10 years, specifically in the Fifteenmile Creek Watershed. Some of this monitoring will be helpful in evaluating whether progress is being made to achieve the goals of the Plan (such as bacteria monitoring in Mill Creek).

Yes - The Plan does identify monitoring needs (such as the need for sediment monitoring stations) and some strategies for meeting those needs. The methods

are mostly described under Section 3.2 and 2.4.2. It would be nice to have a clearer idea about how the monitoring described in Sections 4.3.1 and 4.4 will be used to track progress and inform implementation in the future. For example - how will the information presented in Section 4.4 be used to track changes on those seven streams? How will this information be extrapolated to the rest of the Plan area?

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: Probably - This is hard to evaluate at this point since the draft we reviewed did not yet have accomplishments and Area Plan progress described. Given what we know of ODA and SWCD staff working in this Area, we suspect that the voluntary efforts, combined with enforcement as occasionally needed, are sufficient to implement the Plan. It would be nice to see the actual implementation results, however.

ODA RESPONSE: Accomplishments were added to the final version of the Area Plan.

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

DEQ COMMENTS: Unclear - It seems likely that the milestones and timelines will be adequate but data was not provided to show progress to date.

ODA RESPONSE: Accomplishments were added to the final version of the Area Plan.

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

DEQ COMMENTS: Unclear - This is hard to evaluate at this point since the draft we reviewed did not yet have accomplishments and Area Plan progress described.

ODA RESPONSE: Accomplishments were added to the final version of the Area Plan.

III. Area Rules

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

DEQ COMMENTS: Yes – The prohibited conditions should be an effective way to achieve water quality improvements if adequate enforcement is taken to discourage the occurrence of prohibited conditions and if adequate resources are available to assist farmers to implement BMPs.

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

DEQ COMMENTS: No, not at this time.