**Biennial Review Request for Comments From DEQ (revised 8-28-12)**

*"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): Malheur River Basin**
**DEQ Basin Coordinator: John Dadoly**
**Date: 10/01/14**
(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, the Plan includes all category 4 and 5 Water Quality Limited Waterbodies on the DEQ 2010 Integrated Report.*

2. Does the Area Plan adequately reflect current TMDL status?
   *DEQ Comments: Yes, the Plan references the Malheur River Basin TMDL, which was approved by US EPA in 2010.*

3. Does the Area Plan sufficiently present the TMDL load allocation that it is intended to address?
   *DEQ Comments: The Plan references the phosphorus and bacteria load allocations included in the Malheur River Basin TMDL. It also includes shade curves for non-modeled stream reaches, and shade goals for the modeled reaches of the Malheur and North Fork Malheur rivers that were included in the temperature TMDL.*

4. Does the Area Plan adequately include items from applicable Groundwater Management Area Action Plans?
   *DEQ Comments: DEQ provided input regarding the GWMA and it was incorporated into the Plan.*

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: ODA has stated that this section will be updated in the 2017 Plan revision.*

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: ODA has stated that this section will be updated in the 2017 Plan revision.*

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, the Area Plan Goal section of the Plan clearly states that all partners must work toward the goal of meeting water quality standards.*

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, the Area Plan objectives are designed to reduce irrigation induced erosion and improve the riparian condition to keep water, soil, nutrients, and bacteria on farms and out of waterways. This will lead to progress toward meeting water quality standards and TMDL load allocations.*

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 and GWMA priorities.*

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 identified in the Area Plan are appropriate. Most of the actions will occur in the lower portion of the basin where the most intensive agricultural activity occurs. Outreach efforts are planned for the ranching and hay cultivation areas of the upper Malheur River Basin. The goal of this outreach is to expand the implementation actions throughout the geographic area covered by the Area Plan.*

3. If applicable, is the Watershed Approach Action Plan addressed?
   *DEQ Comments: 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: Yes, the actions are connected to priorities developed over years of monitoring and data analysis performed by ODA, DEQ, and local stakeholders.*

5. Does the Area Plan include timelines, schedules, and measurable milestones that are consistent with the TMDL WQMP?
   *DEQ Comments: Preliminary measurable objectives with schedules and timelines have been identified for the Focus Areas (Nevada-Blanton, Coyote Gulch, Willow*

*Creek). These objectives are consistent with the TMDL WQMP. Measureable objectives for the Management Area will be developed in the 2017 biennial review.*

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: Yes, an excellent monitoring plan has been implemented and data analysis efforts are increasing, leading to increased focus on implementing effective projects.*

## II. <u>Implementation/evaluation</u>

A. Are voluntary efforts sufficient to implement the Area Plan or are additional incentives needed to increase the rate of participation?
   *DEQ Comments: Voluntary actions are working reasonably well. Groups such as the Malheur Watershed Council, Malheur SWCD, and the local irrigation districts are providing excellent leadership and making good progress. The biggest obstacles to further progress are lack of funding, and lack of engagement by some portions of the agricultural community. As more projects succeed and more outreach is conducted, the engagement problem should begin to subside. Funding remains the biggest issue. Additional incentives are not needed at this time.*

B. Are milestones and timelines established for Area Plans achieving the goal of the Program?
   *DEQ Comments: Yes, progress is being made.*

C. Is reasonable progress being made towards accomplishing milestones and timelines in the Area Plan?
   *DEQ Comments: It will take time before water quality improvements can be measured due to the vast scale of the changes needed.*

## III. Area Rules

A. Are the prohibited conditions likely to be effective in making reasonable progress towards meeting state water quality goals?
   *DEQ Comments: The prohibited conditions in the rules are sufficient. Outreach and education as well as enforcement of the rules are the major needs.*

B. Are additional prohibited conditions or other mandatory control measures needed?
   *DEQ Comments: No additional prohibited conditions or mandatory control measures are needed at this time.*