

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: **Powder/Brownlee AgWQM (Regular)**

DEQ Basin Coordinator: John Dadoly

Date: March 19, 2013

(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 Comment: Yes, all current 303(d) listings are included (2010 Integrated Report and additional EPA listings from 2012).

The Snake River Hells Canyon TMDL (2004) contains phosphorus, sediment and temperature load allocations for the Powder River. All other Snake tributaries in the Brownlee Reservoir Subbasin were also given temperature load allocations.

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

DEQ Comment: The Snake River Hells Canyon TMDL should be referenced.

ODA Response: ODA will work with the LAC to insert a Snake River TMDL reference at the next biennial review.

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

DEQ Comment: Load allocations from the Snake River Hells Canyon TMDL should be included:

There is a phosphorus load allocation for the Powder River at its mouth that is based on a concentration limit of 0.07 mg/l total phosphorus.

The sediment load allocation for the Powder River at its mouth is based on a Total Suspended Solids (TSS) limit of 50 mg/l as a monthly average.

The temperature load allocation for the Powder River and each Brownlee Reservoir Subbasin tributary to the Snake River allows total anthropogenic temperature loading less than 0.14°C at river mile 409 during that period of time that the site potential of the

mainstem Snake River is above 17.8°C due to natural or non-quantifiable temperature sources.

ODA Response: ODA will work with the LAC to insert Snake River TMDL load allocations at the next biennial review.

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

DEQ Comment: NA

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

DEQ Comment: NA

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

DEQ Comment: Yes

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 Comment: Drinking water source areas are not discussed.

ODA Response: ODA and the LAC are not aware of drinking water source issues in the management area. ODA will work with DEQ to incorporate applicable drinking water source language in the next 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 Comment: Goals and objectives do not directly refer to water quality standards.

ODA Response: ODA worked with the LAC to revise the goal statement to say prevention and control of water pollution and achieving water quality standards was the goal of the Area Plan. The objectives are stated as water quality objectives and refer to streambank erosion, riparian vegetation and a monitoring program. The LAC preferred to continue with current objectives.

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

3.

DEQ Comment: Evaluation of riparian vegetation by 2015 is discussed as a goal. Other long-term targets with timelines and milestones are to be developed by 2015?

ODA Response: ODA worked with the LAC to begin discussion and consideration of measurable objectives. ODA will continue this work to incorporate measurable objectives into the plan at the next biennial review.

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 Comment: Yes, the parameters of concern discussed on pages 12 and 13 cover the significant water quality issues that will be addressed in the Powder Basin TMDL.

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

DEQ Comment: Other than the evaluation of riparian vegetation, implementation goals are not discussed.

ODA Response: ODA will work with the LAC to improve review and discussion of implementation progress in the Area Plan.

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

DEQ Comment: The Powder Basin Watershed Approach Basin Status Report and Action Plan is not yet final, but a draft has been forwarded to ODA with the goal of using some of the data analysis in the Area Plan update.

ODA Response: ODA presented data from the Basin Status Report to the LAC. It was helpful in focusing discussion on relevant issues. ODA will coordinate with DEQ and work with the LAC to incorporate language referencing the final Powder Basin Watershed Approach Basin Status Report and Action Plan at the next biennial review.

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 Comment: Implementation actions appear to be still under development.

ODA Response: ODA will work with the LAC to further improve discussion of description of implementation actions in the Area Plan at the next biennium review.

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

DEQ Comment: It is expected that timelines, schedules and milestones will be developed for the Snake River Hells Canyon TMDL and eventually for the Powder Basin TMDL when it is developed.

ODA Response: ODA will work with the LAC to include measurable objectives, timelines and milestones in the Area Plan at the next biennium 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 Comment: Monitoring needs are being developed. In addition to coordinating with the SWCDs, ODA should coordinate with the Powder Basin Watershed Council who are developing a basin-wide monitoring program.

ODA Response: Expansion of the monitoring program is an objective in the Area Plan. However, there is disagreement between entities on what and how monitoring should be done. LAC members and SWCD members do not completely trust the monitoring actions being conducted by the watershed council.

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 Comment: So far, voluntary efforts are not yet sufficient to implement the area plan. The development of goals and milestones will hopefully increase voluntary efforts.

ODA Response: The SWCDs are aggressively pursuing assessment and targeted outreach to landowners in the Focus Areas. This will increase voluntary participation.

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

DEQ Comment: Still under development.

ODA Response: ODA will continue to work with the LAC to develop milestones and timelines for achieving program goals. The LAC chair and some LAC members philosophically disagree with ODA's approach of using land conditions as the basis for evaluation of progress of implementation.

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

DEQ Comment: The riparian evaluation and development of goals and milestones for achieving compliance with ODA's riparian rule will be an important first step.

III. Area Rules

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

DEQ Comment: Education of landowners regarding the prohibited conditions and enforcement of the rules as necessary are critical to moving water quality toward standards.

ODA Response: It is anticipated that the Focus Area approach will increase awareness of prohibited conditions and participation in prevention and control activities that will make progress towards meeting water quality goals.

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

DEQ Comment: None suggested at this time.