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): **North Coast Biennial Review**
DEQ Basin Coordinator: York Johnson
Date: 12/9/13
(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, but there are other potential pollutants where data may not be available. Pesticides are an example of a pollutant type where sufficient monitoring has not taken place to justify a 303(d) listing but may be having an effect on water quality. In addition, the North Coast Basin Status and Action Plan identified other pollutants like sediment as a concern in the area and is a more recent analysis of water quality concerns for this region.

   ODA Response: ODA will work with LAC and DEQ to summarize the Action Plan in the Area Plan at the next biennial review.

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

   DEQ Comment: Yes, but the TMDLs are over 10 years old. There is more current information available in the North Coast Basin Status and Action Plan and Tillamook Estuaries Partnership Volunteer Monitoring Program. These efforts have the most up-to-date information on bacteria and other water quality parameters status and trends.

   ODA Response: ODA will work with LAC and DEQ to summarize the Action Plan in the Area Plan at the next biennial review. Please provide a summary of the most up-to-date water quality information.

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

   DEQ Comment: No, more needs to be said about how the Plan will address the 70 to 90% reductions that are identified in the TMDLs. In addition, there needs to be a discussion of permitted and non-permitted facilities and how they

interact and are affected by the implementation of this Plan and how the reduction is split between permitted and non-permitted operations.

ODA Response: ODA, the LAC and other partners will be discussing ways to identify appropriate reduction goals for the TMDL load allocation for agriculture. The results will be included in the Area Plan during the next biennial review in 2016.

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

   DEQ Comment: The Clatsop Plains is an area covered by this Plan and local community members have expressed concerns about potential groundwater contamination from bacteria; this has also been highlighted by community leaders in the development of the Clatsop Plains Sub-Area Plan. The ODA North Coast Area Plan does not address the potential groundwater issues related to agriculture in the Clatsop Plains area.

5. ODA Response: This section of the survey refers to Groundwater Management Areas. DEQ has not started the monitoring necessary to establish a GWMA in this area. ODA and the LAC will consider a summary of the Clatsop Plains groundwater issues provided by DEQ.

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

   DEQ Comment: Yes

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

   DEQ Comment: Currently the Plan contains sufficient information. However, DEQ just completed it toxics monitoring effort in the North Coast (2013). Based on the results of this study, it might be appropriate to develop milestones with timelines in the Plan related to the results of this effort.

   ODA Response: Is the toxic monitoring study available? ODA will work with the LAC to insert a summary of the results of the North Coast toxics monitoring effort for the next biennial review. Developing milestones and timelines could be a good discussion to have with the LAC and partners in the future.

8. 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: No, a majority of drinking water in the north coast of Oregon is acquired from surface streams. There are no additional requirements or

precautions for agricultural operations that are adjacent to these drinking water source streams.

ODA Response: Agricultural water quality regulations currently require that producers prevent and control water pollution. Protection of drinking water sources is encompassed in the existing regulations. However, ODA welcomes a summary of information from DEQ about drinking water source areas and will work with the LAC to insert it into the Plan at the 2015 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: Yes

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

   DEQ Comment: No, there are no identifiable targets that this Plan is aspiring to meet. An example would be to have 90% of riparian areas in Level I condition by 2015; restore 200 miles of riparian areas converting from level III to level II; achieve and maintain 100% compliance determined from annual random inspections of at least 10% of agricultural properties in individual watersheds.

   ODA Response: The AgWQ Management Program is currently developing more clear and obtainable measureable objectives for all 38 Area Plans. ODA will work with the LAC to insert these into the North Coast Basin Area Plan during the next biennial review in 2015.

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, but it also needs to include priorities identified in the North Coast Basin Status and Action Plan. In addition, the Plan should as consider priorities documented in the Tillamook Estuaries Partnership's Comprehensive Conservation Management Plan.

   ODA Response: ODA will work with LAC and DEQ to summarize the Action Plan in the Area Plan at the next biennial review. Please provide a summary of the most up-to-date water quality information. In addition, please see Attachment A of the Area Plan; it is a table of conservation priorities and references TEP's CCMP.

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

   DEQ Comment: No, as mentioned previously, there are no goals to compare to such as stream mile restored or riparian condition reached. In addition, the ultimate goal is to improve water quality. This will be difficult to document if a monitoring system is not in place that is at a smaller scale than the DEQ Ambient Network. DEQ would like to assist ODA in utilizing the current data available in the region to better document water quality improvement and relate the WQ improvements to actions taken as part of this Plan. Please contact York Johnson North Coast Basin Coordinator at (503) 801-5092.

   ODA Response: Thank you. ODA greatly appreciates DEQ's partnership to better document water quality improvement and relate it to the actions taken as part of Oregon's conservation efforts. ODA staff will contact Mr. Johnson after the 2014 biennial review.

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

   DEQ Comment: No, there was not any reference to the Watershed Approach Action Matrix as it relates to agricultural priorities or to the status of water quality also identified in the North Coast Basin Status and Action Plan.

   ODA Response: ODA will work with LAC and DEQ to summarize the Action Plan in the Area Plan at the next biennial review. Please provide a summary of the most up-to-date water quality information.

4. Does the Area Plan provide sound evidence or reasons why implementation actions could lead to pollution reduction?

   DEQ Comment: Yes

   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: Page 25 "Benefits of Drainage and Irrigation Ditches" states that the aforementioned hydraulic alterations lead to reductions in bacteria conveyance. This statement does not seem scientifically sound. In addition, on page 27 the first paragraph states the tide gates protect water quality. This also contradicts general water quality goals.

   ODA Response: ODA with work with DEQ prior to the next biennial review to address this concern.

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

   DEQ Comment: No, see question B-2 and C-2.

   ODA Response: See our comments under B-2 and C-2

6. Is monitoring adequate to determine whether progress is being made to achieve the goals of the plan?

   DEQ Comment: No.

   If no, are monitoring needs identified and is there a strategy to meet those needs?

   DEQ Comment: As stated in question A-2, this Plan does not references current monitoring efforts in place nor does it identify areas or resources that would lead to improvements in the current monitoring efforts. An example would be to identify ODA funds to support volunteer bacteria monitoring in Clatsop and Columbia counties or provide technical assistance to local watershed councils and SWCDs in these counties. The goal of this effort should be to develop a volunteer monitoring program that emulates the program maintained by the Tillamook Estuaries Partnership in Nestucca, Tillamook Bay, and Nehalem watersheds.

   ODA Response: SWCDs around the state are embarking on identifying small geographic areas to work in. Pre-and Post-Assessments will be conducted over a period of time. The majority of these areas will be assesses for landscape conditions (primarily streamside vegetation) and others will be monitoring water quality directly. ODA will develop additional water quality monitoring, as human, technical, and financial resources will allow. Talks have already begun with Steve Hanson, DEQ's Volunteer Water Quality Monitoring Team Lead and Koto Kishida, DEQ's Nonpoint Source Program Lead to coordinate and collaborate resources.

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 Comment: Additional incentives are needed to reach the non-permitted agricultural community. See question C-2 and C-6.

   ODA Response: See our comments for C-2 and C-6.

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

DEQ Comment: No, see questions B-2 and C-2.

ODA Response: See our comments for B-2 and C-2.

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

DEQ Comment: Some progress is being made with improvement to water quality in the north coast. However, more focus is needed on the non-permitted agricultural community and additional monitoring resources are needed in the lower Columbia watersheds. Finally the Agricultural Area Plan needs to better utilize monitoring efforts currently in place to document progress in this region.

ODA Response: ODA and the LAC are encouraged by the local improvement in water quality. In addition to the support of the focus area efforts, the LAC has recommended additional outreach is needed in smaller acreage operations. The Local Management Agencies (SWCDs) have continued to provide workshops, send information in the mail, attend community events with displays, and even knock on doors in some cases.

Additional water quality monitoring is a difficult task to achieve with limited resources. There have been several grant applications to DEQ and OWEB for additional funding for monitoring. With such a competitive process in place, it depends on the priorities of the state at the time. The SWCDs continue to apply for funding. ODA welcomes input from DEQ about how to better utilize current monitoring information to document progress.

III. Area Rules

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

DEQ Comment: Only if monitoring and enforcement is established and coordinated with the voluntary restoration programs will additional progress be made to meet state water quality goals.

ODA Response: ODA understands that successful implementation of the voluntary measures identified in the Area Plan combined with required actions will lead to meeting water quality goals. To better measure progress locally, ODA has worked with the North Coast Basin SWCDs to implement Action Plans to implement their focus areas. While ODA has established an active compliance presence in the North Coast, and has begun to implement Strategic Implementation Areas in Oregon, monitoring remains a challenge. ODA continues to welcome input from DEQ about how to improve monitoring to augment compliance and voluntary actions.

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

DEQ Comment: Yes, contributions from ditches need to be addressed and additional controls are needed for operations that are adjacent to drinking water source streams. In addition, DEQ recommends that the LAC and ODA consider adding descriptions for unacceptable conditions as a means of encouraging improved practices and implementing established BMPs. This may also encourage landowners to participate in the voluntary restoration programs available to them at no cost through watershed councils and SWCDs.

ODA Response: Most ditches are considered waters of the statedand producers are not allowed to contribute sediment, nutrients, chemicals or other materials into ditches that result in pollution. Ditches under the management of irrigation or drainage districts are regulated by DEQ.

Thank you for your input.