

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: Upper Deschutes

DEQ Basin Coordinator: Bonnie Lamb

Date: March 8, 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?
Yes
2. Does the Area Plan adequately reflect current TMDL status?
Yes – TMDLS have not been completed yet in this area
3. Does the Area Plan sufficiently present the TMDL load allocation that it is intended to address?
No TMDL load allocations have been developed yet. However, the Area Plan does include objectives and measures that would likely be very similar to those required to address load allocations (increasing shade and decreasing nutrient, sediment and bacteria loading associated with agricultural activities)
4. Does the Area Plan adequately include items from applicable Groundwater Management Area Action Plans?
There is not a GWMA in the Upper Deschutes. However, DEQ has initiated a Groundwater Protection Project that covers southern Deschutes and northern Klamath counties. See further discussion in the response to Question A(7).
5. Does the Area Plan present the requirements of Coastal Zone Management Act applicable to agriculture?
NA
6. Does the Area Plan include sufficient items from the State of Oregon; Pesticide Management Plan for Water Quality Protection?
The PMP is not mentioned in this Plan. Pesticide use is mentioned briefly at the bottom of page 10, under “Types of Covered Activities”. A brief discussion of the PMP could be inserted here, similar to what was done for the Hood River and Lower Deschutes Plans.

ODA response: As indicated on Page 9 of the Area Plan, “DEQ has not identified pesticide use as a water quality problem in the Management Area.” Therefore, the LAC did not see a reason to refer to the Pesticide Management Plan.

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?
The Area Plan does discuss the concern about nitrates in the groundwater in the rural area around LaPine.

The Area Plan does not discuss the relationship of agricultural activities to other drinking water source areas in the Upper Deschutes geographic area. There is information on the DEQ website which shows where drinking water source areas are, and there do appear to be a number of groundwater ones, as well as surface water source areas for the cities of Sisters and Bend. Link: <http://www.deq.state.or.us/wq/dwp/dwp.htm>.

DEQ recommends that ODA and the SWCDs include a task in the plan to further evaluate if there is a potential for agricultural sources to contaminate drinking water in other parts of the Plan area.

ODA Response: This will be addressed at 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?

Yes

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

The Plan lists clear objectives and has identified measures for tracking compliance for two of the objectives having to do with streambank conditions. The Plan does not identify the measures that will be used to track compliance with the Waste Rule. The plan also does not identify milestones or measures for irrigation efficiency (water conservation).

ODA response: These were added to the Area Plan during the 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?

Although there are no TMDLs or GWMA in this area, the water quality issue priorities listed in the Area Plan are consistent with DEQ's general water quality priorities for this area.

It does not appear that any Priority Areas have clearly been identified for this Plan, although the concept of priority areas is introduced on page 26 under Objective 4. DEQ would encourage ODA and the LAC to develop priority areas during this biennial review process.

ODA response: The DSWCD has identified the La Pine Resource Conservation Area as its focus area and will begin assessing riparian vegetation and livestock manure issues this year. Information on this has been added to the Area Plan.

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

For the most part, the implementation actions in the Area Plan are not tied to a geographic scale, so tracking progress and effectiveness might be difficult. Baseline assessments appear to be targeted for completion by 2017 everywhere in the geographic area. Are some areas and/or issues prioritized over others? Are some issues more of a concern in some geographic areas and not others? (See priority area discussion above)

ODA Response: See response to B1 above.

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

A Watershed Approach Plan has been developed for the Deschutes Basin (2011). It is referenced in the Area Plan. The surface water issues identified in the Upper and Little Deschutes Subbasin are: harmful algal blooms, temperature, nutrients, dissolved oxygen, pH, chlorophyll *a*, altered hydrology, habitat modification, and sedimentation/turbidity. In addition, total dissolved gas is identified as an issue below Wickiup Dam and mercury is identified as a problem in East Lake. The groundwater issues identified in the Upper and Little Deschutes Subbasins include: nitrate, bacteria, and reduced quantity.

The Area Plan appears to generally address most of the issues listed above that could be related to agricultural practices.

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.

Generally it does. A more detailed timeline by priority areas would provide more confidence in the ability to meet targets in this large geographic area. In general, the implementation activities follow recognized guidelines (such as NRCS and SWCD). Comments have been made elsewhere in this survey checklist where additional information could be provided.

5. Does the Area Plan include timelines, schedules, and measurable milestones that are consistent with the TMDL WQMP?
Although there is no WQMP, the Area Plan does describe some milestones and identifies that a timeline for this work will be developed by 2017. See the response to question B(2), above, for further discussion of measureable milestones.
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?

There are not clearly defined monitoring strategies included in the Area Plan. It seems like a monitoring section should be developed to include: monitoring of water quality conditions, assessment of land conditions, assessment of implementation of activities, and assessment of how well the Plan is working. DEQ recognizes that we need to be involved with helping to provide an evaluation of water quality conditions and that we did not have the staff resources to do that for this biennial review.

ODA Response: This has been added to the Area Plan during the Biennial Review.

II. Implementation/evaluation

- A. Are voluntary efforts sufficient to implement the Area Plan or are additional incentives needed to increase the rate of participation?
This is a little hard to evaluate at this point since the Plan is just getting started with really identifying specific measures to track and ways to measure compliance. 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, will be sufficient to implement the Plan.
- B. Are milestones and timelines established for Area Plans achieving the goal of the Program?
See comments above under Area Plan Content.
- C. Is reasonable progress being made towards accomplishing milestones and timelines in the Area Plan?

This is hard to evaluate at this point since milestones and timelines are just being developed.

III. Area Rules

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

It seems like it. [Note: there are not “Prohibited Conditions” in this Plan but rather “Requirements”. Describing a desired condition like this seems to make more sense than describing something that is prohibited.]

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

Not that we can think of at the time of this review.