

Oregon Department of Agriculture (ODA) 2000-2001 Oregon Plan Annual Report

Allocation of Resources (agency use of Oregon Plan add packages/Lottery funds)

The Oregon Plan resources have been used for:

- Water quality and watershed enhancement educational outreach programs and activities provided to agricultural and rural landowners, and the general public.
- Development and implementation of agricultural water quality management plans in various areas of the state to improve water quality and watershed conditions.
- Water quality plan monitoring and riparian site capability characterization.
- Increased review, inspections and compliance assistance to confined animal feeding operations (CAFOs).
- Landowner technical assistance provided through Soil and Water Conservation Districts (SWCD). This includes landowner site visits and inventories, conservation planning, design and implementation assistance, monitoring, coordination of demonstration projects, and assistance with project planning and grant writing.
- Small grants for on-the-ground conservation projects sponsored by SWCDs.
- Educational outreach and workshops coordinated by SWCDs that focus on conservation planning and typical conservation measures that address agricultural water quality management plans and locally identified resource concerns.

In addition, Soil and Water Conservation Districts are assisting landowners to develop basin-wide water quality management plans, to develop individual farm plans, and to implement conservation practices. These efforts are an indication of landowners willing contributions to achieve the goals of the Oregon Plan.

Status of Agency Measures

ODA Oregon Plan Measure #1: Development and Implementation of Agricultural Water Quality Management Area Plans:

As of December 31, 1999, agricultural water quality management area plans (also known as SB 1010 Plans) and associated basin-specific Oregon Administrative Rules had been adopted for four planning areas, and development of area plans and area rules were underway in 15 planning areas. By June 30, 2001, agricultural water quality management area plans and rules had been adopted for 13 planning areas, and development of area plans and area rules was underway in 20 additional planning areas. The department is on schedule to complete approximately 41 sets of plans and rules covering the entire state and all of these will be in various stages of implementation by 2004. The department has agreements in place with SWCDs acting as Local Management Agencies to assist with day-to-day implementation of various aspects of the area plans. Implementation activities include:

- educational outreach programs and activities to educate agricultural and rural landowners, and the general public about water quality issues and solutions
- administrative assistance to Local Advisory Committees assisting with development and review of area plans and area rules
- water quality monitoring activities
- characterizing the capability of riparian areas to support vegetation long term, given existing site conditions.

ODA Oregon Plan Measure #2: Confined Animal Feeding Operations (CAFO):

In June 1998 ODA initiated a program to conduct inspections of all permitted CAFOs in the state annually. The table below depicts the history of inspection and compliance assistance actions since July 1996 through May 2001.

Inspections:	June 96- July 97	July 97- June 98	July 98- June 99	July 99- June 00	July 00- May 01
Educational Review	26	1	15	22	23
Routine and other	0	61	79	428	315
EPA/ODA joint	37	17	61	9	12
Complaint - permitted operation	17	16	19	9	8
Complaint - permit not required	15	19	18	23	24
Follow up inspection	-	-	4	191	184
Total	95	114	196	682	566
Enforcement Actions					
Water Quality Advisory	28	28	58	124	58
Plan of Correction	2	19	50	139	2
Notice of Noncompliance	36	37	63	41	71
Civil Penalty	0	3	7	4	1
Total	66	87	178	308	132

In 2000, the department conducted inspections on all permitted 522CAFOs, and found that approximately 60% of operations were in compliance with their permit. In 1997, the department permitted 609 operations, conducted inspections in response to complaints, and of the 95 complaints investigated, 61 were out of compliance with their permit.

ODA continues to respond to complaints about CAFOs and livestock operations that are not required to have a permit to ensure compliance with water quality law. HB 2156, signed into law in June 2001, will allow the department to align the state's regulatory program for animal feeding operations with that of the federal Clean Water Act. This will provide assurance that the state will be able to achieve the delegated responsibilities

Oregon has accepted from EPA for implementation of the Clean Water Act as it relates to animal feeding operations.

ODA Oregon Plan Measure # 3: Soil and Water Conservation District -Technical Assistance:

The 1999 legislature allocated funds through the Oregon Watershed Enhancement Board (OWEB) to the SWCDs to assist landowners develop basin-wide water quality management plans as a first priority, followed by assistance in developing individual farm plans. ODA administered this program. Data on the number of farm and ranch plans that are developed and implemented are an indicator of interest by landowners to contribute to achieving the conditions necessary for support of the benchmarks identified previously. Following is a summary of the accomplishments in assisting landowners as a result of the OWEB technical assistance monies to SWCDs for the first five quarters of the 1999-2001 biennium.

	July 1997 to June 1999	July 1999 to March 2001
Landowners individually contacted	5,765	7,566
New plans completed and signed	243	240
Plans in progress	584	760
Conservation practices applied	Not recorded	1,343
Outreach activities	2,110	1,873

SWCDs maintain memoranda of agreement with USDA agencies allowing local landowners to access federal conservation program technical and financial assistance. SWCDs serve as local sponsors that are required for landowners to access federally funded emergency conservation programs such as the Emergency Watershed Protection Program.

Other ODA Activities that Advance the Goals of the Oregon Plan

ODA programs to promote watershed health by minimizing invasion and proliferation of exotic, noxious weeds.

- Coordinate statewide noxious weed prevention and control efforts.
- Implement statewide integrated weed management projects.
- Conduct surveys to detect and delimit invasive noxious weed species.
- Implement and coordinate biological control of weeds.
- Provide information to cooperators on integrated weed management.

ODA programs to protect water quality by promoting proper use of pesticides and investigating incidents involving possible pesticide misuse.

- Implement statewide pesticide use reporting system.

- Facilitate waste pesticide collection events.
- Encourage recycling of empty pesticide containers.
- Increase educational materials available to pesticide users.
- Review and summarize pesticide compliance data by geographic region.
- Review and evaluate certification exam for aquatic pesticide use.

Addressing Institutional Limits

- ODA's relatively broad regulatory authorities are limited to addressing water quality, pesticide use, and the storage, management and disposal of manure on CAFOs. ODA does not have specific regulatory authority to require habitat enhancement for purposes other than water quality. Efforts to enhance wildlife habitat outside of protection for water quality functions relies on voluntary efforts by landowners supported through the Oregon Plan and other non-regulatory mechanisms.
- The agricultural community is very sensitive to risk and is generally interested in being provided with some sort of "safe harbor" from enforcement action associated with state and federal water quality and endangered species associated regulatory actions by agencies. To date, regulatory agencies have been able to identify actions that would decrease landowner vulnerability to enforcement but have not been able to provide "safe harbor." There are several encouraging pilot projects underway in Oregon that may result in creative solutions to this barrier, and ODA and other state and federal agencies should continue to promote a streamlined approach and make strategies available to landowners or sectors of agriculture. Such "safe harbor" mechanisms will encourage broader participation in programs and projects that are supportive of Oregon Plan, Clean Water Act, Endangered Species Act, and other program goals and objectives.

Challenges

SB1010

- Achieve broader agricultural stakeholder support in the face of regulatory fear.
- Achieve broader public support for continued implementation of water quality and watershed enhancement programs, given the fact that public investments need to be sustained long term in order to accomplish significant and observable results.
- Identify short term results that are recognized as the steps to long term water quality results.
- Make advances to improve water quality while addressing technical issues such as lack of information on riparian site capability.
- Establish compliance protocols for necessary riparian protection given the variety of local conditions and the need to have a measurable parameter.
- Coordinate between ODA program for riparian areas on agricultural lands and the developing statewide riparian policy.
- Seek additional funding to implement agricultural water quality management area plans through local management agencies.
- Provide more information to the agricultural and general public who continually need information that leads them to take ownership of natural resource problems.

- Conduct a monitoring and assessment program sufficient for adaptive development of the SB1010 plans and rules and consistent with Oregon Plan approaches.

CAFOs

- The passage of HB 2156 regarding existing animal feeding operations will result in an increase in the department's inspection and outreach program demands.

SWCD

- SWCDs are well positioned to be local delivery mechanisms for numerous natural resource enhancement programs. They are continually asked and expected to take on additional responsibilities without adequate, stable funding and resources to meet workload demands.
- SWCDs will have a difficult time fulfilling their intended role as local management agencies for implementation of SB1010 unless they are provided more support and entrusted to serve as leaders for the critical implementation elements such as conservation plan development, supplying technical assistance, providing financial incentives through cost-share programs, and for taking a lead role in developing 4(d) rule provision under ESA. SWCDs have the statutory authority to implement the SB1010 program but are concerned that the workload associated with implementing SB1010 is unmanageable without adequate financial and political support from the state.

Federal and state laws and programs

- Contrasting and dynamic interpretations of federal and state laws contribute to stalemates until the issues are resolved. This decreases on-the-ground action and public awareness of the increasing number of positive actions taken to solve tough problems. Resolving this has required a community by community approach and efforts by many individuals. There appears to be no short cut to hurry this process.
- Coordination of federal and state assistance programs to address Oregon Plan issues must continue to be improved so that landowners are comfortable accessing the programs, thus are willing to participate and accelerate resource condition improvement.
- Continued coordination between state and federal agencies and the state university system is needed to ensure adequate communication for implementation of the Oregon Plan while protecting against creating a new bureaucracy that could draw resources from agency Oregon Plan measures.

Success Stories/Significant Areas of Progress

- In alignment with original agreements made on the inception of the Healthy Streams Partnership, ODA is on schedule to have agricultural water quality management area plans and associated area rules in place statewide by 2003.

- The Soil and Water Conservation Districts have taken on a major role in assisting ODA with development and implementation of agricultural water quality management area plans with limited funds. Through this involvement and extensive public outreach, landowners have increased their participation in activities that improve water quality.
- The outcome-based approach that was recommended by the agricultural community to address agricultural natural resource issues is starting to be recognized by others as the most appropriate means to work with the agricultural industry to achieve water quality and other natural resource improvement goals.