



March 15, 2023

Senator Michael Dembrow, Co-Chair
Representative Khanh Pham, Co-Chair
Joint Committee on Ways and Means
Subcommittee on Natural Resources

Re: Support for Agricultural Water Quality Program (ODA POP #320)

Dear Co-Chairs Dembrow and Pham, and Members of the Committee,

Trout Unlimited (TU) is a non-profit organization dedicated to the conservation of cold-water fish (such as trout, salmon, and steelhead) and their habitats. TU has more than 350,000 members and supporters nationwide, including many members in Oregon.

HB 5002 appropriates money from the General Fund to the State Department of Agriculture (ODA) for certain biennial expenses.

Trout Unlimited supports providing funding in HB 5002 for POP #320 in ODA's agency request budget, which would have provided 7 positions (5.51 FTE) to the Agricultural Water Quality Management Program, at a cost of \$1,633,800 LF.¹

Regulatory Background

The Oregon Department of Environmental Quality (DEQ) is the primary agency responsible for implementing the federal Clean Water Act (CWA) and state water quality laws. DEQ's Nonpoint Source Control Program is implemented by land use, and DEQ has delegated its authority under the CWA—as it relates to agriculture—to ODA. Accordingly, ODA serves as the lead agency for regulating agriculture with respect to water quality and nonpoint source pollution.² This is often referred to as the Agricultural Water Quality Management Program (Ag WQ Program).

Size of Current Ag WQ Program

Under the Ag WQ Program, ODA is responsible for ensuring sufficiently high-quality water from all agricultural lands in Oregon to sustain our native fish species and meet the state's water quality standards. That is a huge task, and Oregon's trout, salmon, and steelhead depend on the Ag WQ Program achieving what the legislature expected of it with SB 1010.

¹ See ODA's Agency Request Budget at page 7-41 to 7-42 (available at <https://www.oregon.gov/oda/shared/Documents/Publications/Administration/23-25ARB.pdf>); ODA's ARB Summary at page 3 (available at <https://www.oregon.gov/oda/AboutUs/Documents/Board%20of%20Agriculture/08-22/ODA%202023-25%20ARB%20Summary.pdf>).

² See ORS 568.900 -568.933 (Agricultural Water Quality Management Act, also known as "SB 1010") (1993); ORS 561.191 (1995).

Currently, the Ag WQ Program has about fifteen staff.

POP 320

POP 320 would have added capacity to the Ag WQ Program. ODA's ARB described the need as follows:

“One challenge to the program’s continued success has been ODA’s capacity to engage with local partners fully, conduct landowner education and outreach, respond to and complete compliance work promptly, address local and regional ongoing and emerging issues, and develop and implement plans and reports in support of DEQ Total Maximum Daily Load (TMDL) processes. This additional capacity will allow ODA to use its ongoing small watershed and collaborative approach to better address local and regional water quality issues including but not limited to: cannabis operations, groundwater contamination, drought and fire impacts, Willamette River basin mercury contamination, and climate-friendly agricultural practices.”³

The Governor’s Recommended Budget (GRB) does not include POP 320.

TU supports providing funding for POP 320 in HB 5002 because it would provide ODA additional capacity to: (1) provide assistance to landowners in preventing and minimizing nonpoint source pollution from agricultural lands, and (2) collaborate with landowners on projects that meaningfully improve water quality for valuable fisheries.

Drought Package

ODA’s POP 320 is currently proposed as a line item in HB 3124 (the “Drought Package”).⁴ TU supports including the POP in that legislative vehicle, but we wish to raise and support the opportunity to include it in ODA’s budget bill, too.

Thank you for this opportunity to provide comments, and please let me know if you have questions.

Sincerely,

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³ ODA’s Agency Request Budget at page 7-41.

⁴ See Bipartisan Drought Relief and Water Security Package (BiDRAWS) spreadsheet, HB 3124 Meeting Material for 3/14/23 meeting of House Committee on Agriculture, Land Use, Natural Resources, and Water, at page 9, #1-17 (available at <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/CommitteeMeetingDocument/264920>).