

Spokane DO TMDL Nonpoint Source Workgroup Meeting

September 24, 2015 2-4 pm
Dept. of Ecology Building, Spokane

Participants:

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| Adriane Borgias, Ecology | Dave Knight, Ecology |
| Ben Brattebo, Spokane County | Meghan Lunney, Avista |
| Galen Buterbaugh, Lake Spokane Assn. | Amanda Parrish, The Lands Council |
| Brian Crossley, Spokane Tribe | Ben Rau, Ecology |
| Marcia Davis, City of Spokane | Jule Schultz, Spokane Riverkeeper |
| Walt Edelen, Spokane CD | Jerry White, Jr., Spokane Riverkeeper |
| Charlie Kessler, Stevens County CD | Karin Baldwin, Ecology |

Nonpoint Plan:

Section 319 of the Clean Water Act requires Ecology to develop a plan to control nonpoint source pollution every five years. The Environmental Protection Agency (EPA) requires a current [Nonpoint Plan](#) be in place to receive federal grant funding (the 319 grant). EPA approved Ecology's plan for Washington State on Aug. 21, 2015, so Ecology will receive a 319 grant from EPA this year.

This plan presents Ecology's regulatory authorities over nonpoint pollution sources and how Ecology foresees addressing those sources. Ecology will continue to use technical and financial assistance as well as education and outreach, but we will also use regulatory tools. Federal laws require Ecology to identify recommended best management practices (BMPs) for all categories of nonpoint source pollution. The one category lacking recommended BMPs is agriculture, and two federal agencies identified this gap when reviewing the plan. As a result, Ecology has identified a strategy to develop a process for putting together recommendations. The recommendations will not result in new regulation, but it will inform funding decisions, TMDL work, and enforcement actions. It is important to note that Ecology does not anticipate developing new BMPs, rather the idea is to identify BMPs or a combination of BMPs that are protective of water quality from existing guidance. Ecology will likely hire a third party consultant to lead the effort so that we get good feedback.

The strategy to develop recommended BMPs for agriculture is:

- October 2015 – January 2016: conduct outreach to stakeholders
- Early Spring 2016: develop process for agriculture review
- Early Summer 2016: finalize the process
- Summer 2016: submit the process to EPA and National Oceanic & Atmospheric Administration (NOAA)
- Fall 2016: start process of identifying recommended BMPs

The incentive for producers to adopt BMPs is varied and depends upon the landowner. Some people want the assurance of being in compliance, whereas others require enforcement. The Spokane CD and partners are putting in a funding proposal to the NRCS that would pay producers who install riparian buffers an amount of money similar to what they would have earned from raising a crop. The belief is that if the landowners could be better compensated for installing the buffer, more people would install buffers.

Developing recommended agricultural BMPs is a separate process from the Voluntary Stewardship Program (VSP). Ecology will engage in the VSP processes as much as counties who have funding for the program want. However, VSP is a slightly different process because of the need to address Critical Area Ordinance and Growth

Management Act objectives. Spokane County should be offered money to start the VSP process this fall, and start the process in 2016.

When it comes to enforcement, Ecology prefers to use technical and financial assistance first to gain compliance. If those efforts fail, Ecology does have the authority for enforcement. The goal is to follow-up on letters sent to landowners and be consistent. The challenge is finding a balance in a given area of the state between enforcement and technical assistance that results in BMP adoption and water quality protection.

Livestock Guidance:

Ecology developed the [Clean Water and Livestock Operations: Assessing Risks to Water Quality](#) guidance in partnership with Director Bellon's Agriculture & Water Quality Advisory Committee. The key principles of the guidance are to:

- Improve compliance by increasing the public's understanding of site conditions causing water quality violations.
- Acknowledge the importance of the livestock industry in Washington State.
- Clearly articulate good and bad site conditions.

The goal of the guidance is to increase the public's understanding of the site conditions Ecology staff use to determine if livestock are causing water quality impairments. The document describes site conditions and associates them with a risk spectrum. Sites conditions protective of water quality are on one end of the risk spectrum, and conditions that result in water quality impairments are on the other end of the spectrum. Using the guidance, landowners can assess the conditions on their property and then if needed, take steps toward protecting water quality. The guidance is available on Ecology's website and is being distributed at meetings.

Interim Targets (formerly Measurable Progress):

At the last nonpoint source workgroup meeting the group said the Inputs, Outputs, and Outcomes need to be called something that makes better sense, the entire list needs to be simplified, and goals need to be separated out. Other considerations in narrowing down the list are:

- The targets need to be realistic since the 10-year assessment is 6 years away.
- What are the things this group needs to track to keep us accountable to the advisory group?
- The list contained several related items that could be grouped into more general topics.

Changes to the list include:

- Inputs are now called Activities, which are the things the group is doing to achieve the targets.
- Outputs were renamed to Interim Targets. The Interim Targets are intermediate goals toward meeting the TMDL allocations or a 30% reduction in phosphorus.
- There is a separate column for Interim Target Goals.
- Outcomes are not included on this list because they require monitoring activities that this group does not perform. Monitoring activities are very important, but we will use other efforts to give us an idea of the impact our implementation activities are having. For example, we can use the results of current monitoring efforts (EAP ambient monitoring, tributary TMDL studies, etc.) to help us direct implementation activities. Also, per the group's earlier decision, STEPL will be used to estimate pollutant reductions from individual implementation activities. Outcomes or results are important to getting our work accomplished, but they aren't necessarily what this group can track. This group's focus is to get BMPs on the ground, and if we do that, the outcomes will be achieved.
- The three Interim Targets are:
 1. Type and # of BMPs Installed

- What should the goals be? For example, how many feet or square feet of riparian buffer should our goal be? An additional 10 miles?
 - This information can be tracked through the current implementation database.
- 2. Increase in Public's Water Quality Perception & Knowledge
 - Some of the associated goals require specific projects such as surveys or pledge campaigns. Do we want to take on all these goals? Is there an organization willing to perform the surveys, pledges, etc?
 - We will need to figure out a way to report on these goals, since we do not have a tracking tool in place.
- 3. Increase # of Areas with Contiguous BMPs
 - Once the map of projects in the implementation database is complete we will be able to identify where work has been done and where we may want to target efforts in the future.
 - Are there areas where we should focus our efforts now?
 - Ten years ago the Spokane CD completed a Proper Functioning Condition (PFC) assessment on Hangman Creek, the Little Spokane River, and Spokane River. On Hangman Creek the areas of erosion were mapped with GIS. The Spokane CD would like to complete the assessment again to determine the amount of change and identify where work is needed.

As a group we need to determine a starting date for tracking the goals. Do we start as of 2015, or do we go back to 2010 when the TMDL was approved?

One way to report on our activities would be to dedicate a meeting where each organization would get 5 minutes and 5 power point slides to present their information (called an ignite session). Karin would compile all the information from the meeting into a tracking spreadsheet. There was general agreement this would be a good thing to do.

Funding:

All of the nonpoint source projects identified on the fiscal year 2016 draft offer list were funded:

- Spokane CD / SRF - Implementation and BMP tracking/online mapping tool
- Stevens County CD – Lake Spokane implementation and monitoring
- City of Spokane – Spokane Gorge planting
- The Lands Council – Hangman riparian work and stormwater education

The fiscal year 2017 funding cycle is open, but it closes in three weeks on Friday, October 16 at 5 pm.

The Spokane CD and several partners are applying for a ten million dollar funding package from the NRCS. Their proposal was one of 41 to be invited to submit a full application that is due by November 10. One aspect of the CD's proposal is to allow farmers to be paid a higher amount for installing riparian buffers. The funding source requires a 1:1 match, so if an organization works to install buffers or advance direct seed, their efforts could potentially be an eligible match source.

Updates:

- The biennial report was finally published this month and Ecology should have drafts available in October. The next step is to advertise the report to the public.

Next Steps:

- Karin will send out the Interim Targets for the group to consider.
- The group will provide feedback on the interim targets before the next meeting.
- The next meeting will be scheduled during the next quarter; probably in December.