

FEB 10, 2011

John P. (Phil) Hassinger
68333 Kerns Loop
Cove, OR 97824
February 10, 2011

EQC Members
Environmental Quality Commission
Oregon Department of Environmental Quality
Water Quality Division
811 SW 6th Avenue
Portland, OR 97204

Dear Environmental Quality Commission Members:

I have been farming along Catherine Creek, in the Grande Ronde Valley, for over thirty five years. The farm, over which I have had a stewardship, has been recognized many times for the conserving activities which have gone on to enhance water quality, fish, wildlife, soil stabilization, and recreational opportunities. I, personally, have offered my time on various committees in support of these same themes.

One such committee which I was invited to participate in was the SB 1010 committee. This was almost a decade ago. It was not a popular committee to want to be a part of - because the resultant documents generated by the committee (Agriculture Water Quality Management Plan) would have restrictive components in them. As I felt water quality was important to the future of agriculture, I agreed to serve.

After literally months of meetings, a document was put together for our basin that addressed improving water quality. While it was touted as a voluntary program, in fact there was an enforcement component which included fines for infractions.

Not long after our plan was in place, a neighbor of mine on Catherine Creek had a complaint filed against him. Investigations were performed by Oregon Department of Agriculture, lawyers were employed, testimony was taken, fines were addressed - but most important - the offending behavior was stopped and changed. The point being that the ODA was effective at administering the program.

After this example, it was gratifying to know that SB 502 and 503 were passed by the Legislature (1995) giving Oregon Department of Agriculture sole responsibility for developing and implementing "any program or rules that directly regulate farming practices... that are for the purpose of protecting water quality."

The ORS Statute 568.912(1), referred to in the above paragraph, would clearly be violated if the Department of Environmental Quality established "Implementation-Ready" TMDL's. In addition, the DEQ's need to "determine specific amount of surrogate measures needed to achieve TMDL goals" is 180 degrees away from the cooperative method successfully used for years.

My sons are just now moving into the management of Hassinger Farms. They know of the effort which was required for our basin plan via SB 1010. They have seen, first hand, huge improvements in our water quality. They are familiar with the jargon –water gaps, riparian exclosures, buffer strips, TMDL's, etc.. It would be beyond my imagining, undoing the great and successful efforts that have recently been put into place.

It has been our good fortune, locally, to have the Grande Ronde Model Watershed facilitate and find funding for worthy water quality enhancing projects. One function of the GRMW is to make public the efforts of landowners. I would invite you to take a look at the tremendous number of projects completed since SB 1010. Consider, in your viewing, that it took a landowner time away from his primary responsibility – running a profitable business – to accomplish these.

On our farm, every foot of river (which adds to miles) has a buffer strip. We have established off stream watering sites, water gaps with gravel and horticultural cloth, rock barbs to prevent bank erosion, stream bank fencing, flood control structures, and many more. The projects were a result of being educated to the need, as well as funding assistance – no strong arming – no threats. The results reside in the minds of the next generation. This is the proper way to improve water quality.

At your June commission meeting, I plead for your rejecting the proposed OAR 340-041-0061(11). Please consider the formal rulemaking comments submitted by the Oregon Farm Bureau.

Sincerely,

John P. (Phil) Hassinger