Corrected T. 5.G.2.

To: Gail Achterman, Chair and members of the Oregon Transportation Commission

Matthew Garrett, Administrator, Oregon Department of Transportation

Subject: Lane County Partnership with the Oregon Department of Transportation, Integrated Vegetation Management Pilot Project for reduced herbicide use on State Highway 36

Date: December 15, 2009

Dear Chair Achterman and OTC Commissioners;

The Board of Lane County Commissioners brings to your attention a proposed joint ODOT-Lane County pilot project to protect water quality from chemical run-off due to routine road maintenance activities. The proposal will establish a "Last Resort" Herbicide Spray Pilot Project on Highway 36 in West Lane County.

Highway 36 is a 52-mile highway that connects Highway 99 near Junction City with Highway 126 near Mapleton. It runs alongside Lake Creek and its tributaries that flow into the Siuslaw River. These waterways have been identified as valuable spawning and rearing habitat for native species of Coho, Steelhead, and Cutthroat trout.

Lake Creek and its tributaries are listed as requiring protection from pesticide pollution in a document published by the Oregon Department of Agriculture. The protection is afforded by a federal judge's order that requires the use of a "buffer zone." Buffer zones separate the waterway's high water mark from where the pesticide can be applied. Generally, buffer zones of 20 yards are required when making applications of affected active ingredients using ground equipment, and of 100 yards when using aerial application equipment. Not all pesticide active ingredients are impacted by the federal judge's order in this case, but it the EPA has listed twenty-six active ingredients that require these protective measures. The federal court order is implemented as a reasonable requirement for enhanced preventative strategies to protect native fish habitat. In the proposed Pilot Project, we have the opportunity design and implement locally appropriate strategies that reduce pesticide loading in streams.

We acknowledge that the Lane County Board of Commissioners first expressed their support for a proposal to collaborate with the Oregon Department of Transportation to initiate a "Last Resort" Herbicide Spray Pilot Project in Lane County in May 2008 and again in April 2009 as Resolution 09-4-8-16. The Resolution supported ODOT Policy Option Package #120 for an Integrated Vegetation Management project on state highways in Lane County. Ultimately, the pilot project was not funded in the final days of the budget negotiations during the 2009 legislative session.

This pilot project remains a transportation-related priority for Lane County government and the Lane County Public Works Department. We have ascertained that ODOT Region 2 administrators also continue to support the Pilot Project partnership with Lane County. ODOT Region 2 and Lane County are jointly recommending a much smaller version of the project for a 2010 legislative funding proposal. The two entities would work together in good faith agreement to reduce herbicide use on roads and

develop a successful Integrated Vegetation Management program that complies with HB 2212 (Invasive Weeds) and the Governor's commitment to protect Oregon's rivers. This is truly a win-win project.

This Pilot Project will make it possible for ODOT and Lane County to

- Develop a replicable Integrated Vegetation Management program based on Lane County's Herbicides as a Last Resort;
- Collect valuable data on invasive weeds including GIS mapping;
- Test and report on the efficacy of the Integrated Vegetation Management project;
- Carry out mowing and other mechanical means of removing vegetation near critical fish habitat, particularly along guardrails, culverts and stormwater ditches;
- Potentially provide valuable information about on-site Best Management Practices that may assist
 ODOT to comply with its Stormwater Discharge permit. A recent legal settlement between
 Northwest Environmental Defense Council and ODOT calls for reports and analyses on the
 results of sampling in at least one "low traffic rural environment in Western Oregon."
- Provide an incentive to work with other potential partners addressing water quality improvements
 to evaluate surface water quality, including Oregon Department of Environmental Quality, and
 regional watershed councils including the Long Tom, McKenzie, Siuslaw Watershed Councils.

The Lane County delegation believes the Hwy 36 Pilot Project to be meritorious and deserving of full support, particularly in light of Lane County's willingness to provide in-kind staffing and resources. We request an endorsement and recommendation from OTC that ODOT prioritize the Highway 36 pilot project within their highway budget and allocate \$120,000 to fund the project over two years.

Signed,

Lane	County	Board	l of	County	Commissioners
------	--------	-------	------	--------	---------------

Signed,	
	Dated:
Peter Sorenson, Chair, Lane Cou	inty Board of Commissioners

cc: Governor Kulongoski
Mike Carrier, Governor's Natural Resource Advisor
Doug Tindall, Deputy Director of Highway Division, ODOT
Jane Lee, Region 2, District 5 Manager, ODOT
Lucinda Moore, Maintenance Engineer, ODOT
Gail Shibley, Administrator of Environmental Health Systems, DHS
Dick Pederson, Administrator of Department of Environmental Quality, ODEQ
Kevin Masterson, Toxics Multimedia Specialist, ODEQ Laboratory Division
Steve Riley, Water Issues Specialist, Oregon Department of Agriculture, ODA