

Corrected T. S.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 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

