

AGENDA ITEM FOR ADMINISTRATIVE MEETING ( ) Discussion only  
( X ) Action

FROM (DEPT/ DIVISION): Community Development Department

SUBJECT: Rules Governing Agricultural Activities in the Lower Umatilla Basin Groundwater Management Area – Morrow/Umatilla County Comment Letter

<p>Background: Over the past year, Oregon Department of Agriculture (ODA) has conducted rulemaking for agricultural activities within the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). The proposed rules are expected to impact farmers, ranchers, and landowners within the LUBGWMA. Morrow and Umatilla County staff have participated in the rulemaking and have briefed the commissioners from their respective counties about the proposed rules. The counties have worked together to prepare a joint comment letter about the proposed rules that will be sent to the ODA rules coordinator to be shared with the Oregon State Board of Agriculture as they consider rule adoption.</p>	<p>Requested Action: Approve and sign Comment Letter and Authorize staff to send letter to ODA rules coordinator.</p>
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ATTACHMENTS: Morrow/Umatilla County Comment Letter

Date: ( 12/09/25 ) Submitted By: Robert Waldher, Community Development Director

\*\*\*\*\*For Internal Use Only\*\*\*\*\*

Checkoffs:

( ) Dept. Head (copy)  
( ) Human Resources (copy)  
( ) Fiscal  
( ) Legal (copy)  
( ) (Other - List:)

To be notified of Meeting:  
Robert Waldher

Needed at Meeting:  
Robert Waldher

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Scheduled for meeting on: December 10, 2025

Action taken:

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Follow-up:



December 10, 2025

Sunny Summers

Rules Coordinator

635 Capitol St NE, Salem, OR 97301

Sent via Electronic Mail to: [rulemaking@oda.oregon.gov](mailto:rulemaking@oda.oregon.gov)

**Re: Rules Governing Agricultural Activities in the Lower Umatilla Basin  
Groundwater Management Area**

Dear Ms. Summers,

The Boards of County Commissioners for Morrow County and Umatilla County appreciate the opportunity to provide comments on the Oregon Department of Agriculture's proposed rules concerning agricultural activities in the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). Our counties share a deeply interconnected agricultural economy and have long worked collaboratively to address nitrate concerns in the region. We value ODA's engagement in this rulemaking process and **are pleased to contribute** our comments.

While our counties recognize the Department of Agriculture's commitment to improving groundwater quality in Morrow and Umatilla counties, we do have concerns regarding the underlying basis for the rules. Specifically, there is not a clear data set showing how the proposed rules will provide meaningful improvement to groundwater quality in the basin. The Proposed Rules lack the needed data to support the ongoing implementation of these rules. Without relevant data and meaningful scientific analysis, our counties will continue to struggle with statistically significant measurable improvements in environmental quality.

The state has been aware of elevated nitrate levels in the basin going back to the 1980s, if not earlier. A robust data set and a clear scientific understanding of the hydrogeology of the basin and sources of nitrates are essential to justify a new regulatory program for farmers in our counties. To date, no such data set or scientific research has been conducted to provide such a justification. Oregon State University has issued a report confirming that the basin is made up of a series of aquifers with varying levels of low connectivity. However, a study tying the findings of that report to areas of high nitrate concentrations has not been performed. Until this foundational scientific work is completed, any new regulatory framework would be dealing with only a partial understanding of a complex problem.

Land use planners from both counties participated in the rulemaking process. One concern raised by the land use planners to the County Commissioners is the lack of data demonstrating that a 500-acre threshold is protective of groundwater. The land-use pattern within the LUBGWMA is a patchwork of parcels of varying sizes—supporting livestock grazing, crop production, and rural residential properties with dwellings and septic systems—making it difficult to attribute elevated nitrate levels to any single source. As written, the 500-acre threshold appears to disproportionately target large-scale agricultural operations, which are already implementing advanced control measures and sophisticated best management practices.

Finally, the Proposed Rule requests farmers to conduct soil sampling at the five-foot depth level without explaining how that data will be used and provides no scientific research showing that such data is relevant to protecting groundwater. Unfortunately, our counties, and the state, have seen farming data be misconstrued and weaponized against farmers. Data collection requirements with no scientific basis should not be included in the rule. Additionally, the making of that information public record is extremely troublesome. In particular, what statistically relevant data do we hope to gain from this requirement? The data will be so spread out, and subject to such randomness, that it will be difficult to gain any real insight as to what is occurring.

Many of these rules are in fact already practiced by our producers. We are concerned that these rules do not reliably move the needle forward, leave large gaps under 500 acres, and create data collection requirements that could very well be misleading in any direction.

Respectfully,

**MORROW COUNTY  
BOARD OF COMMISSIONERS**

David Sykes, Chair

Jeff Wenholz, Commissioner

Gus Peterson, Commissioner

**UMATILLA COUNTY  
BOARD OF COMMISSIONERS**

Celinda A. Timmons, Chair

Danial N. Dorran, Commissioner

John M. Shafer, Commissioner