

**Date:** July 7, 2022

**To:** Environmental Quality Commission

**From:** Richard Whitman, Director

**Subject:** Item J: Department of Forestry and DEQ Water Quality MOU Implementation Progress Report (Informational)  
July 21-22, 2022, EQC meeting

**Purpose of item** DEQ and ODF will present an overview of progress made in implementing the Memorandum of Understanding on achieving water quality goals on non-federal forestlands in Oregon. The MOU was signed by DEQ's Director and ODF's State Forester on Dec. 9, 2021.

**Background** In 2020, with support from a facilitator, ODF and DEQ embarked on an interagency collaboration to update the previous MOU, which was more than 20 years old. The MOU was updated in alignment with the March 2021 Department of Justice review of each agency's legal authorities. A draft of the revised MOU was published for public input and subsequently revised in response to input received. The MOU includes commitments for the agencies to review it for another revision by 2026 and to periodically evaluate progress on its implementation and report to the Environmental Quality Commission and the Board of Forestry on that progress.

**Key Issues** Since execution of the updated MOU in December 2021, DEQ and ODF managers and staff convened team meetings monthly January through June 2022. Collaborative efforts discussed at those meetings include the following:

- DEQ provided regular updates to ODF on the schedule and status of TMDLs in development across the state.
- ODF provided regular updates on the passage of the Private Forest Accord legislation and the current ODF rulemaking efforts.
- ODF hired a new position in February 2021 to assist with the ODF and DEQ TMDL coordination and MOU implementation.
- DEQ filled the lead Forest Water Quality position and is currently recruiting to fill the second of the two new positions that will support collaboration on achieving water quality goals on

forestlands, advising on ODF rulemaking and implementation of adaptive management and monitoring efforts.

- DEQ and ODF staff met quarterly on development of an ODF TMDL implementation plan for mercury in the Willamette Basin. These interactions are serving as a pilot approach for future ODF TMDL implementation plans.
- DEQ kept ODF apprised on re-engagement with EPA, NOAA and DLCDC on the process for approval of the Coastal Nonpoint Source Plan.
- DEQ shared opportunities for ODF participation in:
  - Nonpoint Source Plan update preparation and public comment prior to submittal to EPA
  - Nonpoint Source Annual Report preparation prior to submittal to EPA
  - Draft Integrated Report and TMDL Priorities public comment and submittal
  - Aquatic life beneficial use map update process (a water quality rule revision)
  - Reconvening of the Local Stakeholder Advisory Committee for Upper Yaquina River Watershed Bacteria and Dissolved Oxygen TMDLs
- DEQ requested coordination planning on integration of climate change considerations in TMDL evaluations, starting with the example of analyses in EPA's Columbia River temperature TMDL
- ODF affirmed DEQ's seat on the new Adaptive Management Program Committee, which interacts with the Independent Research and Science Team, as part of the Private Forest Accord effectiveness monitoring program.
- DEQ and ODF discussed re-engagement of the water quality and forestry liaisons to the Board of Forestry and the commission.

**EQC  
involvement**

There is no request for commission action as part of this agenda item.  
DEQ and ODF will provide periodic updates on the agencies' efforts.

Report compiled by Alex Liverman  
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