

Waldo and Crater Lakes Outstanding Resource Waters

Meeting Minutes

Rulemaking Advisory Committee Meeting #1

Meeting Date: May 27, 2020; 1 - 4:30 p.m.
Web meeting only, Microsoft Teams

List of attendees

- Advisory Committee Members: Andy Schaedel, Rich Miller, Mark Riskedahl, Lynda Kammerer, Kelley Minty Morris
- Agency Advisors: Al Johnson
- DEQ Staff: Debra Sturdevant, Mailea Miller-Pierce, Trina Brown, Connie Dou, Rian Hoof, Randy Jones
- Interested Persons: Madeline Unger, Lance Le

List of materials

- Meeting Agenda
- Advisory Committee Charter
- Waldo Lake ORW Support Document
- Crater Lake ORW Support Document
- Rulemaking Presentation
- Fiscal Impact Statement Presentation

Agenda

Time	Topic
1 p.m.	Introductions, agenda review
1:10 p.m.	Committee process and ground rules
1:20 p.m.	Rulemaking process and schedule
1:30 p.m.	Background: Outstanding Resource Waters petition
2 p.m.	Waldo Lake: qualifications, draft rule
2:45 p.m.	Crater Lake: qualifications, draft rule
3:30 p.m.	Draft fiscal impact information and findings
4 p.m.	Wrap up and next steps
4:15 p.m.	Adjourn

Meeting Minutes

- The meeting opened at 1 p.m. with introductions for all DEQ staff and for the Advisory Committee members. Everyone stated their name and their affiliations.
- The instructions, guidelines, and logistics were covered for how the Microsoft Teams meeting would be conducted.



State of Oregon
Department of
Environmental
Quality

Water Quality Division
700 NE Multnomah St.,
Suite 600
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-6124
Contact: Debra Sturdevant
www.oregon.gov/DEQ

*DEQ is a leader in
restoring, maintaining
and enhancing the quality
of Oregon's air, land and
water.*

- The meeting agenda and the Charter for the AC were both discussed. DEQ discussed the purpose of the AC and their role: to give DEQ early input on the fiscal impact statement, the information supporting Outstanding Resource Waters designation, and the draft proposed rule language. This was the first of two AC meetings.
- Mark Riskedahl noted that if there are revisions to the rule language proposed in the petition that the agency deems necessary, the petitioner, Northwest Environmental Defense Center, can agree to publish that revised language for public comment.
- The question was posed, “Why is Crater Lake included in the ORW designation since it is already a national park?” DEQ replied that the state’s water quality standards include a policy to protect the existing water quality of ORWs, and to consider waters in national parks for ORW designation. This policy is also included in federal regulations under the Clean Water Act. Because management plans are already in alignment with ORW designation, there management of the lakes is not expected to change. However, the ORW designation by the state supports the protection of these lakes by federal land managers and focuses specifically on protecting water quality.
- Background information on the Rulemaking was presented by Debra Sturdevant, the presentation was entitled: “Waldo Lake ORW Qualifications.” Included in the presentation was background information on the ORW policy, ORW petitions, Environmental Quality Commission direction, and rulemaking timeline.
- The proposed rulemaking schedule: The second meeting was set for June 16. Then public comment will be in July and August 2020, with public hearings will be in August 2020. The EQC is set to address the topic at its meeting in November 2020.
- The meeting was opened to address questions about the charter, agenda and background information.
- The presentation was continued and focused on information regarding the qualifications of Waldo Lake for ORW designation. This included information on water quality, ecological value, and activities associated with recreation. Waldo Lake and associated wetlands were found to qualify as ORW. Designation by the State of Oregon would support federal protection by the U.S. Forest Service. Designation would prohibit new discharged regulated under the National Pollutant Discharge Elimination System and any future activities that would degrade water quality from the existing condition.
- The meeting was opened for questions about ORW designation background information for Waldo Lake. A comment was given that Waldo Lake is unique in that it has such extremely good water quality for such a large lake.
- Sturdevant began a presentation entitled “Crater Lake ORW Qualifications.” This presentation discussed the background on Crater Lake, a very unique and highly valued resource in Oregon. Crater Lake is a highly pristine lake with unique ecological characteristics. The water quality characteristics were discussed and graphs on water quality data were presented. The point was made that very few lakes come close to Crater Lake in terms of water quality. The ecology of Crater Lake and surrounding waters was discussed. Research and the long term monitoring program was mentioned. The National Park Service management goals are consistent with the proposed ORW designation.
- The point was made that the economic impact of Crater Lake National Park is huge in Klamath County and visitors to the park contribute greatly to the regional tourist economy.

- The point was made that visitor numbers in the Three Sisters Wilderness have increased substantially in the past few years. Efforts to control visits to this and other nearby wilderness areas may lead to increased use of the Waldo Lake Wilderness. This may pose a challenge and require adaptive management. There is value to protecting the future of Waldo Lake's water quality.
- The point was made that Crater Lake's retention time is 130 years, so anything getting into the lake will stay there for a long time. This makes the lake vulnerable to pollution.
- There was discussion about the draft rule language: "No new or increased activities that would degrade the water quality of Crater Lake." Such as how to know what activities may degrade water quality in the future, how is degradation defined, and who measures this?
- DEQ and the AC agreed that future activities should not degrade existing water quality. The intent is to not to prohibit any new activity, but rather activity that would degrade water quality from its current condition. The department will work on language revisions that make this clearer.
- The point was made: The ORW is part of the anti-degradation policy to prevent negative effects on existing water quality.
- The point was made: The Park Service has control of the activities that are allowed on Crater Lake. Do they use a clear method in their management plan to control this? Do they do an analysis to show how various activities may affect water quality? Does the state then sign off on that analysis? DEQ responded that the ORW policy is not set up in a way that the state would have to approve or sign off on federal management. Rather it is a policy statement that the federal management agencies would implement.
- The point was made: It is critical that the State maintain as much authority as possible, because the future federal agencies' role and control is not certain.
- The point was made: How do invasive species fit in here with degradation of water quality? Other agencies may become involved in the management of introduced species. Does there need to be rule language included regarding introduced species? DEQ's understanding is that neither the Forest Service or the Park Service have any intent to introduce nonnative species to these lakes and are instead working to rid the lakes of the fish species that were introduced in the past to the extent that is possible.

Fiscal Impact Statement Presentation Presented by Mailea Miller-Pierce

- Miller-Pierce presented an overview of what a fiscal and economic impact statement is and why DEQ is required to provide one. She made the connection with the proposed rulemaking.
- There are no negative fiscal or economic impacts expected for either Crater Lake or Waldo Lake. Little change in visitor use is expected at Crater Lake. If visitor use increased at Waldo Lake, tourism related businesses would benefit.
- The AC was asked if they could email any additional information by June 3 to add to the fiscal impact statement.
- DEQ will provide a draft of the document before the next AC meeting and there will be another opportunity for discussion of the fiscal and economic impacts at that meeting.

Ending the meeting Sturdevant talked about the next steps and due dates, next steps.

- The next advisory committee meeting is set for June 16.
- The draft Fiscal and Economic Impact Statement will be sent out two weeks before the second meeting.
- If committee members have further input on any of the information presented or any questions, please contact Sturdevant or Miller-Pierce.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.