

Waldo and Crater Lakes Outstanding Resource Waters

Meeting Minutes

Rulemaking Advisory Committee Meeting #2

June 16, 2020; 1 - 4:30 p.m.

Web meeting, Microsoft Teams

Online Meeting Only

List of attendees

- Advisory Committee Members: Andy Schaedel, Mark Riskedahl, Lynda Kammerer, Kelley Minty Morris
- Government Advisors: Al Johnson, Jennifer Gibson
- Agency Resource People: Scott Grinder, Joy Archuleta
- DEQ Staff: Debra Sturdevant, Mailea Miller-Pierce, Trina Brown, Connie Dou
- Interested Persons: Madeline Unger, Chauncey Anderson, Doug Heiken, Byron Finch

List of materials and presentation notes

- Rulemaking language options draft document
- Fiscal and economic impact statement draft
- Fiscal impact statement presentation

Agenda

Time	Topic
1 p.m.	Log in and Microsoft Teams logistics
1:10 p.m.	Introductions; Meeting ground rules; Agenda review
1:30 p.m.	Discussion and input: draft rule language
2:10 p.m.	Discussion and input: draft fiscal impact statement
2:30 p.m.	Rulemaking process and schedule
2:45 p.m.	Next steps
3 p.m.	Adjourn meeting

Meeting Minutes

- Debra Sturdevant started the meeting by explaining the logistics of the meeting, and instructions for how the meeting would proceed.
- Each person on the call introduced themselves and shared their affiliation.
- The purpose of the meeting was described. Specifically the purpose was to allow the opportunity to hear comments, feedback, and input from the committee on the rule language and fiscal document.
- The agenda was discussed and the plan for how the meeting would proceed was described.
- Sturdevant showed a table of water quality data for numerous lakes around Oregon that she will add to the support documents. A bar graph with the average secchi depth for



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water.*

different lakes in Oregon was presented to point out the unique and pristine water quality of Waldo and Crater Lake.

Draft Rule Language Options were presented by Debra Sturdevant

- There were two rulemaking language options for each lake. Crater Lake rulemaking language was not originally included in the petition. The rulemaking language options were explained.
- The point was made that the intent of the rule is to prevent degradation from current state, assuming the existing activities are part of the baseline and can continue. In other words, the intent is not to stop current recreational use of the lakes or remove existing facilities.
- The meeting was opened to a discussion of the two options for rulemaking language to hear feedback, opinions, input, and questions.
- One member agreed with the goal and commented that some flexibility should be acknowledged.
- Some members preferred option one and others preferred option two.
- The language mentioning the short-term basis may need to define what “short-term” means.
- The point was made: there may be significant negative short-term effects even for a long-term water quality improvement. The language may be vague regarding short-term versus long-term effects.
- The question was posed about who would oversee the rules if management within agencies changed. Reply: the rules would apply unless there was a rulemaking to change the rules.
- The comment was made that option two for Waldo Lake would likely be more supported by the U.S. Forest Service. One concern about option one was how you would know if new or expanded activities would affect water quality. It’s a difficult thing to measure and to predict.
- The federal government does have a National Environmental Policy Act process to help guide their plans and decisions.
- Another member preferred option two because a management plan would describe how water quality change is being reviewed and how activities are being monitored.
- There is a requirement in the standards and guide document to have a management plan for the Waldo Lake area, but that has not been done yet. However, one person thought no further development could occur without the plan.
- There is a long-term monitoring plan for Waldo Lake, but it has been difficult to maintain funding for that.
- The point was made that DEQ is setting water quality goals with the ORW designation, but that DEQ doesn’t have regulatory authority over the Forest Service or the National Park Service regarding management planning. The Forest Service and Park Service would continue to manage the lakes to meet water quality standards and policies, including this new ORW policy.
- The suggestion was made to end the rule in section ‘e’ after “... ecological characteristics and values of Crater Lake” and not include the segment of the phrase which begins with “except on a short term basis.”
- A comment was made regarding option one, “How do you measure the changes or threshold of water degradation? This is difficult.” Option two appears to avoid this concern.
- The comment was made that it is difficult to establish a cause and effect of potential activities compared to current activities.

- The goal is to keep it as close to the standard as possible in terms of degradation, and keeping the language as simple as possible is best. One member preferred the simplest, original petition language.
- A member of the public noted that existing activities should be evaluated to see if they are degrading water quality and need to be managed differently, not just new activities.
- Sturdevant asked that any further comments on the rule language be provided to her by June 23. If this timeframe is not possible she asked that you contact her directly by email.

A presentation on the general conclusions for the draft fiscal and economic impact statement was presented by Mailea Miller-Pierce

- The comment was made that any need to monitor water quality more would have associated costs.
- If the current level of activity is reduced in the future, there could be negative impacts.
- Some outfitter guides want the Forest Service to issue more permits for recreation activity, such as mountain biking. But it may be able to occur without impacting water quality, such as mountain biking on trails that don't impact Waldo Lake.
- The point was made that the purpose of the statement is to capture any possible effects from the proposed rules.
- Generally, there was agreement that there is not expected to be an economic impacts to small businesses from the rulemaking and that the rule would support continued recreation and tourism.
- Comments and feedback on the draft Fiscal and Economic Statement need to be submitted and emailed by the end of the day on June 23.

Debra Sturdevant discussed the next steps of the Rulemaking process

- Feedback is requested on all documents by June 23.
- DEQ understands we need to hear from the Forest Service and Park Service. The agencies would like to provide additional input after management review.
- DEQ plans to begin public notice around July 15 if possible.
- A notice will be sent out through GovDelivery about the opening of the public comment period. The public comment period will be through Aug. 28. A public hearing will be held in mid-August, likely on Aug.18. There will be a response to public comments and potential adjustments to the rule language based on the comments.
- DEQ plans to propose the rule amendments to the Environmental Quality Commission at their Nov. 19 and 20 meeting for final adoption.
- Please let us know if there are any questions or concerns.
- DEQ thanked the committee for the assistance the members provided and the helpful discussion. The assistance from all the committee members and agency advisors is greatly appreciated.

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.