

# Upper Yaquina River Watershed TMDL Meeting Summary

March 22, 2023, Zoom meeting



## List of RAC member attendees

Name	Affiliation
Joe Steere	Small Woodlands Association/Lincoln County Farm Bureau
Roy Kinion	Lincoln County
Rebecca McCoun	Oregon Department of Forestry
Mark River	Weyerhaeuser Co.
Olivia Jasper	Oregon Department of Agriculture
Russ Glascock	Local landowner
Mike Kennedy	Confederated Tribes of the Siletz Indians
Randy Hereford	Starker Forests
Paul Engelmeyer	Wetlands Conservancy
Evan Hayduk	MidCoast Watersheds Council
Alan Fujishin	Lincoln Soil Water Conservation District

Not attending: Daniel Redick (Benton County), Glen Spain (Pacific Coast Federation of Fishermen's Associations), Frankie Gonzales or Matt Koon (Genesee & Wyoming Inc.)

## List of DEQ team attendees

Name	Role
David Waltz	Mid Coast Basin Coordinator
Alex Liverman	Watershed Management Program Analyst
Dylan Darling	Facilitation/Communications
Gene Foster	Watershed Management Program Manager
Dan Sobota	Water Quality Analyst
Kevin Brannan	Water Quality Analyst

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## List of materials provided prior to meeting:

- [Agenda](#)
- [Revised Draft Fiscal Impact Statement](#)
- [Revised Draft Fiscal Impact Statement \(redline version\)](#) showing changes since last meeting)
- [Proposed Oregon Administrative Rule language](#)
- [Draft TMDLs Rule](#)
- [Draft Water Quality Management Plan](#)
- [Draft TMDLs Technical Support Document](#)
- [Compiled written input](#) received to date from Rule Advisory Committee
- [Post-meeting presentation slides](#)

## Meeting Summary

DEQ staff used a PowerPoint slide presentation to convey information and guide discussion with RAC members during the meeting. Most of the information presented in the slides is not repeated in this summary. Rather, the focus of this summary is on capturing the key points of discussion associated with the materials in the presentation and other topics. The slides will be posted as an Adobe pdf file on the Upper Yaquina TMDL Rulemaking webpage as a companion to this summary of comments and discussion by the Rule Advisory Committee members.

The virtual meeting room was opened at 1:00pm. DEQ staff asked RAC members to identify themselves in the Zoom application to include the initials “AC” ahead of their names to indicate RAC membership and for several attendees whose joining link had them showing up as “Alex Liverman” to please change their names to reflect their own identity.

David Waltz provided an overview of the meeting agenda and explained updates on or directly related to the project since the second RAC meeting on Oct. 22, 2022.

Alex Liverman provided an orientation to the five draft documents provided prior to the meeting to assist RAC members in their review to provide input over the next four weeks, or by April 21, 2023.

Paul Engelmeyer asked how funding for restoration needs is provided and how that fits with implementation timelines and gaging of progress made on the TMDLs over time. Alex explained that some opportunities for funding are listed in the Water Quality Management Plan and responsibility for developing implementation plans with priorities and timelines for implementation and funding rests with the responsible persons and Designated Management Agencies. DEQ encourages collaborative efforts to leverage and optimize funding opportunities.

David presented an overview of the key elements in the Upper Yaquina River Watershed bacteria and dissolved oxygen TMDLs – loading capacities, excess loads, allocations, source assessment and implementation requirements, sharing figures and tables as a refresher. This was a summary from the more detailed presentation for the first RAC meeting. David indicated that the figures can be used to interpret tables for loading capacity and allocations in the TMDL and also as a communication tool. David cautioned to use the tables for specific values.

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In addition, DEQ showed several figures and tables to illustrate some implementation planning tools being shared with DMAs and others, including an interactive map showing site-specific shade gap nodes and intersection with DMA/RP jurisdiction or ownership.

Olivia Jasper requested clarification on ODA's jurisdiction within the watershed comprising less than 8% of the land area, but riparian area jurisdiction amounting to more than 41%. David clarified that there is approximately 8% of agricultural, roadway and rural residential land in the entire watershed, whereas most agricultural lands are located along the waterways in the narrow valley bottoms and, therefore, represent a high percentage of riparian area within 100-feet of the Yaquina River.

Rebecca McCoun asked whether the mapped riparian condition had been ground-truthed. David explained that some site-specific work had been done by watershed councils, but not comprehensively. However, the maps were generated using LiDAR, which is highly accurate to the conditions on the dates it is acquired. DEQ recommends that site-specific assessments be undertaken to confirm conditions when making decisions on priorities and site-specific project planning.

Mark River asked for confirmation that the effective shade allocations still apply only to the Yaquina River and Little Elk Creek, while the phosphorus allocations apply throughout the watershed. David confirmed this is still the case. David showed a map distinguishing where specific solar radiation and shade allocations apply to the modeled portion of the Yaquina River, and where shade tables apply.

Olivia asked whether DEQ modeled if increasing riparian shade also impacted bacteria levels. David confirmed this was not explicitly modeled, but that information from Natural Resource Conservation Service and others is available to evaluate the co-benefits of increased riparian vegetation width improving filtration keeping nutrients, organic matter and bacteria in runoff from entering streams.

Alan Fujishin requested clarification about the phosphorus priority areas shown on the map in the presentation. David clarified that subcatchments 6 and 7 are the high priority areas and the other numbered subcatchments have medium or low priority, all of which is tabulated and mapped in the draft WQMP.

David referred RAC members to Table 2 and Section 5 of the Water Quality Management Plan to review the proposed management strategies identified to meet the load allocations and to be included in TMDL implementation plans.

At 2:15, the meeting was paused for a 10-minute break.

DEQ staff reconvened the meeting at 2:25pm and Alex gave a refresher on the fiscal impact statement and an overview of revisions made to draft documents (primarily the FIS, as well as the WQMP and TSD) in response to RAC input to date.

Paul asked whether DEQ supported inclusion of large wood placement and beaver strategies as management strategies. Alex confirmed that the effectiveness of the strategies depends on the pollutants being addressed and site-specific considerations such as geomorphology and resulting gravel retention that promotes cold water refugia and that DEQ supports using these practices with site-specific assessments.

Alex presented the outline of the rule package. DEQ then opened the meeting to RAC discussion of the documents and the rulemaking process and requested RAC input.

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Rebecca requested that DEQ add to the WQMP the map of areas where the shade curves apply (rather than the modeled area where shade gap maps). David confirmed the text describes these areas, but we will consider adding the map.

Rebecca asked whether the summaries of RAC input in the redlined Fiscal Impact Statement were intended to stay. Alex confirmed that is the proposed language and DEQ will consider comments on it.

Rebecca asked whether DEQ has connected with Oregon Watershed Enhancement Board to try to program grant funds specific to the Yaquina TMDLs. Alex confirmed DEQ is connecting with OWEB on larger scale TMDL program and grant planning, coordination on future legislative budget requests and OWRI database function and usage for project tracking. Also, discussions with federal agencies (Natural Resources Conservation Service) to develop clearinghouse for funding opportunities. Rebecca asked whether OWEB is making OWRI more user-friendly. Alex confirmed that OWEB offers technical assistance. David added that ODA also partners with OWEB in the Coordinated Streamside Management approach, which can help align funding and project priorities within geographic areas.

Joe Steere asked whether DEQ did any further evaluation of his input on rough cost estimates and tax implications to landowners of removing land from timber or beef production to accomplish restoration. Why were his loss cost estimates not used when statewide salmon fishing economic value was included?

David explained that DEQ evaluated Joe's input but was not able to extrapolate those cost estimates to the watershed scale for potential restoration projects at unknown locations. DEQ addressed implications of removing land from production in the fiscal impact statement and concluded that decisions need to be made on locations for prioritizing implementation and the costs and benefits on the individual project scale.

In addition, DEQ concluded that many riparian areas in need of riparian improvements are not in active production and that higher production areas would be low priorities for targeting restoration. Joe's information and question about scaling of salmon recovery economic benefits to the watershed also resulted in DEQ digging deeper into the application of Oregon Coastal Coho Conservation Plan and recovery costs estimates specifically for the Yaquina population. This information is summarized in the draft TMDLs Technical Support Document and WQMP.

David referenced the "working lands" language that was added to the FIS and asked RAC members to provide additional information they believe would be useful. David noted in that chat that the "working lands" section in the Fiscal Impact Statement is in middle of Page 12.

Alan acknowledged that cost quantification for the fiscal impact statement cannot really be done and is hampered by many data gaps. Alan encouraged DEQ and partners to plan for data collection and tracking to better fill the gaps for future fiscal evaluations and to include flexibility in the rule. Alex acknowledged shared frustration at the odd fit of the fiscal analysis for this type of rulemaking and not being able to better quantify the costs or the benefits of water quality impairments and improvements at a watershed or basin scale. However, DEQ is required to implement the Clean Water Act and there is general agreement that having clean water is important. The reality is that there is no agreement on how to monetize ecosystem services and impairments. Even attempting to qualitatively estimate costs and benefits is further complicated by varying scales of scope and complexity within a geographic area and a near complete lack of data and understanding of what factors to track and evaluate. DEQ appreciates the RAC's patience with these realities and engagement in helping to complete a fiscal impact statement that satisfies the intent of the rulemaking process.

Alan asked whether the TMDL will be re-evaluated in 5 years. Alex clarified that, once issued, TMDLs are implemented in perpetuity. The process is to review progress on 5-year cycles, but DEQ would not re-open or

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revise the TMDL unless new information showed a serious problem with the analyses or implementation was not possible, for example. Alan commented that measuring progress will not be linear, especially based on time it takes trees to grow, and DEQ acknowledged that it is often a non-linear and phased process.

Alex posed several questions for RAC members to consider in providing input today or over the next four weeks: Sources clear and accounted for? Allocations distribution factors clear? Additional management strategies to include? Racial equity or environmental justice considerations missing? Any additional information needed to be able to provide input?

Olivia asked whether RAC members can solicit input on racial equity and environmental justice from county representatives, for example, who have a closer view of local conditions. Alex confirmed that RAC members can solicit input freely as the Public Meetings Law only restricts a quorum of RAC members from interacting on issues pertinent to the rulemaking outside of a public meeting.

Alan asked about the public notice process and timing and Alex indicated the final few slides have complete information on next steps and schedule for the completion of the rulemaking process.

Joe asked if DEQ knows of any studies about stream shade via tall poles and cloth, as this may be an option along highways in the watershed with limited opportunity for trees. Alex mentioned the example of solar panel installation over conveyance ditches (which includes other impacts than shade production). Olivia offered that the Department of Defense has several studies available regarding constructed shade systems for protecting soldiers in the field. David confirmed that DEQ used studies on direct solar gain and air temperature impacts to stream temperatures to determine that shade is an effective surrogate measure. Alternate approaches to vegetation can accomplish effective shade, but maintenance and sustainability of constructed systems, along with lack of on-going large wood recruitment are issues in the bigger picture. Alex indicated we will share this idea with ODOT.

Rebecca asked about the timing and specifics of monitoring plan development. Alex explained that DEQ will partner with some Designated Management Agencies and other organizations to develop a monitoring strategy after issuance of the TMDLs. Some aspects of the monitoring strategy are already coming together and the strategy will need to evolve as information is developed and annual reporting on TMDL progress is reviewed. David confirmed that the monitoring proposal for ODA's Strategic Implementation Area in the Yaquina watershed was recently submitted to the monitoring advisory group for that process. The SIA monitoring will inform the overall monitoring strategy for the TMDLs.

Alex shared the slides on the next steps and asked EPA representatives participating to speak about EPA's perspective on the Upper Yaquina River Watershed TMDLs. Brian Nickel, EPA Region 10 Acting Manager Watershed Section, described EPA's state oversight role and EPA action to approve or disapprove the TMDLs as the final step in the process. Brian confirmed that early and on-going EPA-DEQ coordination and information sharing is keeping us on track toward TMDL approval.

Alex and David thanked everyone for their participation and reminded RAC members to provide any additional input by April 21<sup>st</sup>.

DEQ offered non-RAC participants to provide comments or input if desired. No members of the public took the opportunity.

DEQ adjourned the meeting at approximately 3:30 p.m.

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