



1 October 2018

Environmental Quality Commission  
700 NE Multnomah Street, Suite 600  
Portland, Oregon 97232-4100  
[Addington.Greg@deq.state.or.us](mailto:Addington.Greg@deq.state.or.us)  
[Baraso.Sam@deq.state.or.us](mailto:Baraso.Sam@deq.state.or.us)  
[George.Kathleen@deq.state.or.us](mailto:George.Kathleen@deq.state.or.us)  
[Kile.Molly@deq.state.or.us](mailto:Kile.Molly@deq.state.or.us)  
[Mosby.Wade@deq.state.or.us](mailto:Mosby.Wade@deq.state.or.us)

**Re: Proposal for Spring 2019 Mid Coast Field Trip**

Dear Chair George and Commissioners Addington, Baraso, Kile and Mosby:

This letter follows up on discussion during the water quality informational item at your July meeting that emphasized agricultural water quality improvement efforts. We write with an invitation and proposal for a Commission field trip that addresses opportunities and challenges for water quality standards attainment from the headwaters to estuaries on both farm and forest lands.

The twenty-six members of the Oregon Stream Protection Coalition and Paul Engelmeyer (Mid Coast Watersheds Council, The Wetlands Conservancy, Mid Coast Local Stakeholder Advisory Committee, and Audubon Society of Portland) propose that given the imminent release (late this year or early next) of a proposed temperature TMDL and associated water quality management plan for the Yachats River, a Commission field trip to the Mid Coast next spring would be timely and constructive

High public expectations were set for the state's first "implementation-ready" TMDL in the Mid Coast over six years ago as part of a legal settlement whose terms have not been fulfilled.<sup>1</sup> With release of the Yachats TMDL, it is an appropriate time to assess how better progress can be made toward reducing water quality impairment from land uses on the Mid Coast and elsewhere.

---

<sup>1</sup> Implementation-ready TMDLs include source-level prescriptions adequate to meet load allocations and assurances of implementation (e.g through an enforceable order). DEQ will identify "safe harbor" BMPs that it considers sufficient, and will require "reasonable assurance" that these or other sufficient BMPs will be implemented. *See* Final Settlement Agreement, Northwest Environmental Advocates v. Locke, et al., U.S. District Court for the District of Oregon, Case No. CV09-0017-PK, <https://www.northwestenvironmentaladvocates.org/newblog/download/nwea-v-locke-czara-oregon-coastal-logging-final-settlement-agreement/>.

We believe that a field day such as that proposed in the attached working draft itinerary would be an effective way to provide a place-based context and visual backdrop for the Commission to accomplish the following:

- Understand the ingredients for successful voluntary projects such as North Beaver Creek (completed), South Beaver (in progress). Meet willing landowners and discuss localized project scope in a watershed context where many farm and industrial forest lands are not included;
- Illustrate the headwaters-to-ocean connections between ecosystems and local communities and economies, and recognize the relationship between agricultural and forestry practices and protection of the fishing-dependent economy;
- Clarify the relationship between water quality standards attainment through water quality management plans and TMDLs, federal and state salmon recovery goals, and federal CZARA findings and disapproval decisions
- Discuss the Yachats TMDL and overall progress toward finalization of “implementation ready” TMDLs for the whole Mid Coast, noting successes and challenges after six-plus years of effort by DEQ and stakeholders and in the context of the associated court settlement.
- Discuss the role of regulatory versus voluntary restoration actions in achieving TMDL Load Allocations, and how these do or do not relate to what some are calling the “uplift” needed to achieve standards, and the role of the EQC in providing a regulatory backstop to voluntary and collaborative efforts.
- Receive an update on adaptive management changes to Oregon Forest Practices Act Stream Protection rules and current monitoring program efforts for Western and Southwest Oregon;
- Clarify EQC’s role in supporting and prioritizing beaver restoration as part of fully protecting beneficial uses and meeting water quality targets.

We stand ready to assist with the logistics of such a field trip in whatever way we can, and look forward to working with you toward improved implementation of effective nonpoint source water quality controls.

Sincerely,



Mary Scurlock  
Oregon Stream Protection Coalition  
[Mary.scurlock@comcast.net](mailto:Mary.scurlock@comcast.net)



Paul Engelmeyer  
Mid Coast Watersheds Council  
The Wetlands Conservancy  
Audubon Society of Portland  
[pengelmeyer@peak.org](mailto:pengelmeyer@peak.org)

cc: *Richard Whitman, DEQ Director*  
*Jason Miner, Governor Kate Brown*

***DRAFT PROPOSED EQC FIELD TRIP ITINERARY***  
***Yaquina Basin***

Time	Location	Description/Objectives
9:00- 10:00 a.m.	Beaver Creek Natural Area Interpretive Center, Seal Rock	<ul style="list-style-type: none"> <li>• View Beaver Creek State Natural Area Interpretive Center (weather permitting walk down wetland trail/birding)</li> <li>• TWC Beaver Creek history, vision, work with State Parks on Marbled Murrelet habitat</li> <li>• <b>Brian Fowler</b> from State Parks will talk about management goals, science and work with TWC</li> </ul>
10:30 a.m – 11:45	Private land in Upper Beaver Creek	<ul style="list-style-type: none"> <li>• Visit a riparian and in-stream enhancement project</li> <li>• View Beaver Creek Project and changes in habitat and fish use since the implementation more than 10 years ago.</li> <li>• Discuss opportunities, outcomes &amp; limitations of this and similar projects in context of water quality standards attainment in the Mid Coast and statewide</li> </ul>
NOON	TBA	Lunch
1-2:30 p.m..	Top of the Beaver Creek watershed at junction with Drift Creek	<ul style="list-style-type: none"> <li>• View mature forest along the ride</li> <li>• Meet with private landowner stewards <b>Tom and Sheila Swinford</b> , longtime residents of Drift Creek, retired teacher and activists.</li> <li>• Learn about efforts to bring science and community activism to bear on land management and resource extraction discussions</li> <li>• Connect to water quality goals</li> </ul>

2:30- 3:30 p.m.	Upper Yaquina Watershed – driving tour  <i>Stop TBA</i>	<ul style="list-style-type: none"> <li>• View current Oregon Forest Practices on the ground</li> <li>• Discuss what is known about continuing impacts on water quality, estuary and fish health with DEQ, ODF, ODFW staff</li> <li>• Identify current opportunities and challenges for meeting water quality goals</li> </ul>
3:30- 4:30 p.m.	Yaquina Estuary, Oregon Oyster, Newport	<ul style="list-style-type: none"> <li>• View Yaquina Estuary, discuss overview of water quality/ecosystem health issues</li> <li>• Meet with <b>Liu Xin, Oregon Oyster</b> and to talk about native oyster project</li> </ul>
4:30 - 5:00 p.m.	Newport Bayfront across from Local Ocean Port Dock 5	<ul style="list-style-type: none"> <li>• Discuss estuary /ocean connection and sustainable seafood industry</li> <li>• Meet with <b>Kaety Jacobson</b>, OSU Sea Grant and recently elected Lincoln County Commissioner</li> </ul>
5:15 - 6:15 p.m.	<b>Local Ocean Seafood</b> , Newport	Happy Hour, recap the day and meet with many of our project partners, neighbors
	Dinner on your own and together if people are interested	