



BEFORE THE OREGON ENVIRONMENTAL QUALITY COMMISSION

Statement of Mary Scurlock

Provided by call- in testimony to Dalles Meeting

11 May 2018

I am Mary Scurlock, representing the Oregon Stream Protection Coalition's 25 conservation and fishing industry member groups united in support of stronger, science-based forest practices standards that reliably meet water quality standards and protect aquatic life on Oregon's 10.6 million acres of private forestland.

You will recall that I have been encouraging this Commission to recognize that it has not actually delegated all of its Clean Water Act authority for nonpoint sources to designated management agencies such as the Departments of Forestry or Agriculture. To the contrary, when it comes to the determining the sufficiency of the best management practices established under the Forest Practices Act, DEQ is quite clearly still the primary enforcer of water quality standards, including nonpoint source Load Allocations and TMDLs. (*See e.g.* Memorandum from Larry Knudsen, Senior Assistant Attorney General, to Neil Mullane, Water Quality Division Administrator, July 2, 2010, 5 pages).

Yet while it is clear that water quality standards and Load Allocations are not being attained due to land use impacts in many Oregon watersheds, DEQ has not effectively held the responsible parties accountable.

You may recall that I shared some EPA maps with you recently? One of them showed that 80% of streams within the Rogue-Siskiyou assessment area that travel over privately managed forested lands are listed for temperature, or sedimentation-turbidity. Yet, this region was inexplicably completely exempted from a recent rulemaking by the Board of Forestry to limit stream warming, only a small fraction of streams received increased protection even in western Oregon, and the status quo prevails on the Eastside.

These are a few of the reasons why we are so strongly supportive of the work DEQ is doing to specifically describe the responsibilities of the various Designated Management entities for water quality standards attainment, including through "Implementation Ready" TMDLs such as those being developed on the Mid Coast. But this critically important work is proceeding far too slowly with far too few resources: DEQ couldn't even come close to meeting the timelines of the settlement agreement for the Coastal Zone on the Mid Coast work.



DEQ needs to step up its game meet its water quality obligations to the public. That will require EQC leadership to achieve nonpoint source compliance – but it will also require additional resources.

I regret that I am not be able to hear the presentation this afternoon on potential Policy Option Packages, but it is apparent the work that I am talking about would be supported by one or more the Water Quality items, including the one related to TMDL implementation.

Please do what you can to prioritize resources to the kind of monitoring evaluation and analysis that will help DEQ hold ODF and other Designated Management Agencies accountable for actually reducing nonpoint sources of water quality impairment.

Our future and our quality of life depend on it.

Thank you for hearing me again today.

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