

NATURAL RESOURCE FLYER

An update for members of the Oregon Legislative Assembly.

Oregon Plan for Salmon and Watersheds

Total Maximum Daily Loads: On July 11, the Environmental Protection Agency (EPA) issued new federal regulations on Total Maximum Daily Loads (TMDLs). The new regulations require states to submit implementation plans along with TMDLs. In addition, the regulations will require a much more extensive listing process for water quality limited waterbodies under section 303(d) of the Clean Water Act. The new listing process includes a four-part list and requires public review of the state's listing criteria. The next 303(d) list is due to EPA in April 2002. The new regulations seem to be in line with Oregon's listing and TMDL process. The new regulations are not required to be implemented before October 2001. Various bills that could affect the TMDL process are still under consideration in Congress.

Legal action has concluded in Oregon which resulted in a consent decree that requires establishment of 1,153 TMDLs over the next 10 years, beginning January 1, 2000, with milestones of 310 TMDLs by the end of 2004, and 982 TMDLs by the end of 2008. If the Department of Environmental Quality (DEQ) fails to establish the required number of TMDLs, EPA must assure that TMDLs are established. To date, DEQ has completed approximately 146 TMDLs.

For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.

SB 1010 (Agricultural Water Quality Management Plans): The Board of Agriculture has concurred with the Department of Agriculture Director's recommendation to accept the Yamhill Plan and adopt the associated rules. Public comment on the Malheur Plan began August 1. The Hood River, Clackamas and Sandy Local Advisory Committees have submitted draft plans and rules to the Department for review prior to the public comment process. The inland Rogue Basin draft plan is close to completion.

For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.

Healthy Streams Partnership: The Partnership toured the Tualatin Basin in July and will tour the Umatilla in September and the Tillamook in October. The Partnership will report to the November meeting of the Joint Committee on Stream Restoration and Species Recovery with their recommendations as to what needs to be done to ensure success of the Oregon Plan for Salmon and Watersheds on-the-ground.

For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.

Columbia River Channel Deepening Project: The Army Corps of Engineers is proposing to deepen by three feet 103.5 miles of the Columbia navigation channel and 11.6 miles of the Willamette. Both the

Oregon Department of Environmental Quality and Washington Department of Ecology are working on

finalizing 401 water quality certification decisions for the Channel Deepening project. Once these decisions have been made the Army Corps of Engineers is expected to issue a Record of Decision (ROD).

A 60-day notice of intent to sue was filed several months ago by a coalition of environmental and fishing groups. It is expected a suit will be filed once the ROD is issued. The National Marine Fisheries Service and US Fish and Wildlife Service issued a "no jeopardy" (to threatened and endangered species) opinion, which is being challenged in court.

For more information, contact Louise Solliday at (503) 378-3589, ext. 823.

Oregon Plan Monitoring Team: The July 10th publication of the 4(d) Rule by the National Marine Fisheries Service (NMFS) acknowledges the coordination role of the Oregon Plan Monitoring Team by including language that makes the "Limit for Scientific Research" apply to activities conducted by, or in cooperation with, the Oregon Department of Fish and Wildlife (ODFW). The team is developing a process so that monitoring activities that support the Oregon Plan, conducted by state agencies, watershed councils, university researchers, or other groups, can proceed with the least amount of red tape, but with improved levels of coordination and integration. The Governor's Office, Oregon Watershed Enhancement Board, ODFW and NMFS will be working to resolve remaining details to meet the reporting timeframes associated with the 4(d) rule.

For more information, contact Kelly Moore at 541-757-4263 ext. 226.

Willamette Restoration Initiative: The Willamette Restoration Initiative (WRI) Board continues to work to add significant detail to each of the board's 17 recommended actions and 12 high interest actions for restoration. At its August 24, 2000 meeting, the board will review the more detailed descriptions of the actions.

The WRI office has moved to offices in the Salem Bureau of Land Management (BLM) office. Their new mailing address, phone numbers and e-mail addresses are: Willamette Restoration Initiative, P.O. Box 13026, Salem, OR 97309-1026. Phone: (503) 375-5686; e-mail: Willamette_Restoration@or.blm.gov; Rick Bastasch, Executive Director – (503) 375-5718; e-mail: Richard.Bastasch@or.blm.gov.

Upcoming Meeting Dates: August 24, 2000, 9:00 AM to 1:00 PM: WRI Board Meeting @ Salem BLM Offices, 1717 Fabry Road SE, Salem, Oregon (followed by a river field trip from 2:00 PM to 4:00 PM) and October 26, 2000: WRI Board Meeting.

For more information, contact Jeannette Holman at (503) 378-3589, ext. 826 or WRI Executive Director Rick Bastasch at (503) 375-5718, or willamette_restoration@or.blm.gov, or visit the WRI website at www.oregonwri.org

Outreach Activities: The Oregon Plan Outreach Team is gearing up for the 2000 Oregon State Fair, which opens August 24 and runs through September 4. The Oregon Plan booth is becoming a regular stop for fairgoers; in fact, last year's estimate was 24,000 visitors interacting directly with the exhibit. In addition to the popular button-making effort and the stream table demonstrations, new displays will be added about water and salmon conservation, and a giant fish aquarium just completed by the Oregon Department of Fish and Wildlife (ODFW). Another partnership with the Willamette Restoration Initiative (WRI) will allow us to survey visitors as we did last year. Both ODFW and WRI are providing full-time staff for the booth.

For more information, contact Bill Hastie at (503) 378-3589, ext. 834.

Forestry and Public Lands

Steens Mountain: The Governor, Congressman Walden and members of the Oregon Congressional delegation announced an agreement on a proposal to protect Steens Mountain. The agreement, which was unveiled on July 11, would create a 143,000 acre wilderness area on top of the mountain. Within the wilderness, about 100,000 acres would be off-limits to grazing. A larger 500,000 acre "Cooperative Management and Protection Area" would be created. This area would encompass both federal and private lands. A 1.15 million acre mineral withdrawal area would surround the entire mountain, including much of the Alvord Basin.

The purpose of the area would be to ensure that lands are managed in a manner that "ensures the

conservation, protection, and improved management of the ecological, social, and economic environment" of the area. The Governor took a strong hand in negotiations by promoting continued grazing on the mountain while pushing for strong limitations on development.

For more information, contact Peter Green at (503) 378-3589, ext. 835.

Umatilla Chemical Weapons Disposal Facility

Workers who became ill during construction of the facility in September 1999 have filed suit alleging exposure to chemical agents and a cover up by the Army. An investigation by the state and review by federal OSHA has found no evidence of exposure or of a cover up. Since accidental activation of the emergency sirens in December 1999, independent evaluations of emergency response technical and management systems have been conducted and concluded that the Oregon program is only at a level 1 out of 5 possible emergency preparedness levels, although some individual program elements are higher. The state program needs to be at least level 3, and the Governor has tasked the Executive Review Panel of community leaders to make that happen no later than June of 2001, with an interim status report due the end of this year.

For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.

Pesticide Use Reporting Work Group

The Pesticide Use Reporting Work Group was created pursuant to House Bill 3602 (1999 Session). The charge to this stakeholder work group is to advise the State Department of Agriculture on development of the pesticide use reporting system required by the bill, and to make "specific recommendations on stable and sufficient funding mechanisms to support the pesticide reporting program." The group has been meeting regularly since January, 2000, and has reached agreement on many aspects of the pesticide reporting system, including: the universe of pesticide products that are to be reported, the need to register minimum risk pesticide products, and who is required to report. In its last two meetings, the work group has begun to develop its recommendations pertaining to how to report the location of the pesticide application, and continues to work on this issue.

At its July 31 meeting, the work group was visited by Governor Kitzhaber who provided guidance on a number of issues of particular concern to him. First, the Governor reiterated the need to devise a funding mechanism that is adequate to fund an operational program. The Governor expressed his preference for the development of a complete program, even if funding required that the program be phased in over time rather than the development of a smaller, less effective program that could be fully funded during the upcoming legislative session. He reminded members of the work group of the need to seek support from the stakeholders they represent for the mechanism and budget necessary to provide this adequate funding. He also urged the Department of Agriculture to include a realistic budget package in their 2001-2003 budget request.

Second, the governor repeated an earlier message that the program must assure that location of application be reported at a scale that is useful for detailed environmental analysis, pest management research, and epidemiological studies for the protection of public health.

The Governor urged the work group to recommend a system that is practical to use and that provides useful information. He reminded them that while there are necessarily areas where compromises must be made, these compromises must not result in a system that fails to provide the information we need to protect the public health. Nor should the system be so unwieldy that it becomes such a burden on those reporting

that it is never fully implemented.

Finally, the Governor asked the work group to address any issue that may cause the system to falter. An example of this is the need to provide clear guidance for confidentiality rules on information reported and who has access to that information.

For more information, please contact Jeannette Holman at (503) 378-3589, ext. 826, or Peggy Vogue, Department of Agriculture Pesticide Use Reporting Coordinator at (503) 986-4647, pvogue@oda.state.or.us

EPA National Air Toxics Assessment

The Environmental Protection Agency's National Air Toxics Assessment (NATA) is scheduled for public release August 15. Toxic air pollutants are chemicals known or suspected to cause serious health problems such as cancer and birth defects. The NATA found 21 toxic air pollutants above safe levels in Oregon. Every county in Oregon has some toxic air pollutants that exceed safe levels. The Department of Environmental Quality (DEQ) will form a scientific advisory panel to help provide and evaluate more detailed information about toxics in local areas, and DEQ will work with communities to design voluntary plans to reduce health risks from air toxics.

For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.