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MEMORANDUM

TO: Mid-Coast IR TMDL Local Stakeholder Advisory Committee (LSAC) Members
FROM: Turner Odell and Peter Harkema, Oregon Consensus (OC)
SUBJECT: DRAFT – Action Items from March 20 Meeting – DRAFT
DATE: April 2, 2012

This memo follows up on the March 20, 2012, meeting of the Mid-Coast Implementation Ready Total Maximum Daily Load (IR TMDL) Local Stakeholder Advisory Committee (LSAC), held in person at the Embarcadero Resort in Newport, Oregon. The memo includes the following: proposed future meeting dates, identified action items and brief summaries of key topics discussed.

Upcoming Meetings
Please take note and calendar the following meetings.

Meeting	Date	Location
LSAC Meeting 2	April 18, 2012	Newport *(add'l info by April 11)*
LSAC Meeting 3 Bacteria TWG	May 16, 2012	Florence (TBD)
LSAC Meeting 4 Bacteria TWG/Temperature TWG	June 20, 2012	TBD
LSAC Meetings 5 - 14 *TWG Meetings*	*July 2012 – November 2013 (see Meeting Schedule & Workplan)*	*TBD*

Action Items

Action Item	Who	Date
1. <u>Action Items</u> • Prepare draft Action Items memo and distribute to LSAC members for review	OC (Turner and Peter) with DEQ	Complete
2. <u>Information for Distribution</u> • Updated 303d list with all parameters • List of acronyms	DEQ DEQ/OC	Next meeting With Action Items

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3. <u>TWG plan proposal</u> • Develop proposed membership, time frame and draft list of possible key questions	DEQ and OC (Turner and Peter)	Next meeting
4. <u>Process Agreements</u> • Provide electronic Word version for LSAC members to edit • Provide comments and suggestions back to OC using "redline and clean" copies • Review LSAC member input and create new draft for review and approval at next meeting	OC (Turner and Peter) LSAC Members OC	With draft Action Items By cob April 11 Next meeting
5. <u>Additional Communication</u> • Develop website for information sharing with LSAC members and other stakeholders • Create concise summaries of the MC-TMDL process and the IR TMDL concept for use by LSAC members with their constituents and for other communication efforts	DEQ DEQ/OC	MidCoast TMDL website to be revised in advance of next meeting (by April 11) Strive for in advance of next meeting
6. <u>Additional Committees</u> • Identify potential LSAC members to participate in LSAC coordinating committee • Submit suggestions for potential Ad Hoc Policy Group members to Gene at DEQ	OC with DEQ and LSAC LSAC members and other stakeholders	Next meeting or as needed By cob, April 11

<u>LSAC Invitees Present</u>: Stan van de Wetering (Confederated Tribes of Siletz Indians), Charlie Plybon (Surfrider Foundation), Paul Engelmeyer (Native Fish Society/Wetlands Conservancy), Paul Robertson (Devils Lake), Liz Vollmer-Buhl (Siuslaw Watershed Council), Randy Hereford (Starker Forests), Jeff Light (Plum Creek Timber Company), Marganne Allen (ODF) Dale Stewart (USDI BLM Portland), Peter Adams (BLM Salem), Stacey Polkowske (Lincoln SWCD), Joe Steere (small woodland agriculture), Richard Huff (private landowner), Amanda Punton (DLCD), Kevin Fenn (ODA), Dave Wilkinson (ODA), Wayne Hoffman (Mid Coast Watersheds Council), Karl Schumacher (Georgia Pacific, Toledo LLC), Dan Avery (ODFW), Glen Spain (PCFFA), Ray Kinney (Siuslaw SWCD), Steve Hager (Siuslaw WSC)

<u>Project Team Members Present</u>: David Waltz, Ryan Michie, Gene Foster, Zach Loboy, Karen Tarnow, Josh Seeds, Kevin Brannan, (DEQ), Alan Henning (EPA)

<u>Other Attendees (partial list):</u> Mark Yeager (City of Albany/ACWA), Nina Bell (NW Environmental Advocates), Peter Ruffier (Cleanwater Services), Janet Gillespie (ACWA), Jeff Lockwood (NOAA), Paul Katen (Salmon Drift Creek Watershed Council), Jack Strayer (Devils Lake home owner), Peter Daugherty (ODF), Kate Danks (NRCS), Timothy Gross (City of Newport), Andrew Kittel (Alsea Watershed Council), Dave Powers (EPA), Jim Welsh (OR

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Cattlemen's Association), Hui Rodomsky (Salmon Drift Creek Watershed Council), Kami Ellingson (Siuslaw National Forest), Gary Springer (Starker Forests), Jennifer Bakke (Forest Capital Partners, LLC), Chris Jarmer (OFIC), Eric Geyer (Roseburg Resources Co.), Tom Shafer (OWEB), Fran Recht (PSMFC), Brent Searle (ODA)

Facilitation: Turner Odell (OC), Peter Harkema (OC)

Meeting Notes

Key topics and themes:

The LSAC kickoff meeting provided attendees: (1) general information on TMDLs and the history of the mid-coast TMDL process, (2) an overview of litigation and settlement agreements affecting TMDLs generally and the Mid-Coast TMDL in particular, (3) an introduction to the Implementation Ready (IR) TMDL concept including similarities to and differences from a standard basin TMDL, (4) an update on the status of technical information development for each of the three primary impairments in the Mid-Coast basin (temperature, sedimentation and bacteria), and (5) an overview of the proposed process and timeline for the LSAC process and completing the Mid-Coast IR TMDL.

The stated intent of the meeting was to ensure all participants are adequately informed about the basic facts and the process so that they are able to participate effectively. The meeting agenda, meeting materials (including PowerPoint presentations) will be available through the DEQ Mid-Coast TMDL project website by April 11: (http://www.deq.state.or.us/wq/tmdls/midcoast.htm).

Stakeholder Questions, Issues, Concerns, and Agency Responses

LSAC members and other stakeholders in attendance raised a number of questions and concerns related to the proposed process, IR TMDLs, and other topics for which DEQ and the project team provided some clarification. Some highlights include the following (the list is not comprehensive):

- *Implementation Ready TMDLs*. Stakeholders asked for clarity on the implications of "implementation-ready" TMDLs for individual landowners or private companies. DEQ explained that with IR TMDLs, implementation plans (water quality plans) would be developed and included as an enforceable part of the TMDL (not afterwards as with a typical basin TMDL) and that those plans could name "significant sources", including landowners, as responsible parties for implementation. However, DEQ will work with traditional DMAs for implementing TMDL load allocations under their authorities, but if TMDL load allocations are not implemented by the traditional DMAs then DEQ would require the significant sources to implement the TMDL load allocations.
- *Carrots and Sticks*. Stakeholders questioned and DEQ clarified that they would be using all available means to create "carrots" (incentives and support) to help with implementation in addition to the "stick" of enforcement.
- *Need for Local Knowledge*. DEQ will be looking to this representative group to help provide feedback and to share their "on-the-ground" knowledge of conditions and circumstances in the basin in order to better define both problems and the solutions to meet water quality standards.
- *Multi-Pollutant Approach*. Several Stakeholders encouraged the project team to ensure that the structure and operation of the TWG process does not impede the ability to identify synergistic approaches to implementation (i.e., practices that may address

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several types of impairments (and which therefore may be more cost effective than otherwise apparent). In addition, the process should not impede the ability to consider the ability of potential practices to address other impairments (e.g., dissolved oxygen) that are not the subject of the CZARA litigation and the current IR TMDL process.

- *Role of Policy Group*. Stakeholders were concerned about the relationship between this group and whatever "policy group" is ultimately convened to address broader, statewide issues associated with IR TMDLs. Stakeholders wanted to be certain that such a policy group would not have "veto" authority over the work of the local stakeholders. The project team noted that it would strive to keep both the policy dialogue and the local stakeholder dialogue transparent and informed of the other's discussions. All the stakeholder groups are advisory in nature, and DEQ retains the final decision making authority for TMDL issuance.
- *TWGs*. An audience member asked about inclusion of "outside experts" in the TWG process. DEQ will include additional technical expertise and practitioners, as needed in the TWG process, if requested by LSAC/TWG members to address focused questions or topics. DEQ will also provide relevant reports from the IMST and other sources as appropriate. DEQ emphasized that LSAC (and TWG) members have been invited to participate based on their knowledge, expertise and experience in a range of relevant topical areas. Several stakeholders reiterated concerns about keeping the TWG groups to a manageable size with members with relevant technical capacity while another person emphasized that DEQ should adequately define the questions that TWGs are asked to address. DEQ agreed to return with more specific proposals for the TWGs scope and composition for each pollutant, or some combination of geography, sector(s) and pollutant.
- *Characterizing Multiple Views*. Some stakeholders were concerned about how the full range of opinions would be characterized if there was not consensus on an issue among the LSAC members. The project team responded that the group itself could decide how to share the range of ideas or responses, and that the project team would not be characterizing opinions as majority or minority.
- *Need for Process Summary*. Stakeholders expressed the desire for an effective but concise communication tool (e.g. and one or two page summary) for describing the process to interested constituents, their management, or other interested parties. The project team referred to the draft process design that was circulated to LSAC invitees as generally meeting this objective, but agreed to develop a more summary version.
- *EQC-BOF Tour*. Stakeholders asked about the April 26-27 Board of Forestry & Environmental Quality Commission meeting noted on the draft LSAC Workplan. DEQ and ODF representatives explained that a joint meeting and tour is being scheduled to highlight a range of water quality issues and may include Fish & Wildlife and Agriculture Commission members. Space on the ODF tour vehicles is limited to invitees, but the business meetings and tour are open to the public, including those choosing to follow in private vehicles. (Note: The meeting agendas & tour logistics are not yet final. DEQ provided a list, including all LSAC members, proposed to be included on the invitations, based on available space.)
- *Process and Communications*. Stakeholders expressed a variety of suggestions for improving the process generally, including the following:
    - Develop means for phone or other electronic conferencing participation (or at least listening) in future meetings
    - Provide a list of commonly used acronyms and their meanings
    - Provide a full list of the Section 303d listings for the basin (including all impairments/parameters)
    - Add additional public comment time – including, perhaps, some time before the

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lunch break at an all-day meeting
- Provide materials that do not rely on color to convey meaning and can be easily reproduced in black and white (e.g., use cross-hatching, x's and other devises that work when copied in b&w).
- Meeting space was offered at Newport City Hall, City Council chambers

The meeting adjourned at approximately 3:45 PM.

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