



March 30, 2023

Senator Michael Dembrow, Co-Chair
Representative Khanh Pham, Co-Chair
Joint Committee on Ways and Means
Subcommittee on Natural Resources

Re: Support for Watershed Restoration Efforts (DEQ POP #124)

Dear Co-Chairs Dembrow and Pham, and Members of the Subcommittee,

Trout Unlimited (TU) is a non-profit organization dedicated to the conservation of cold-water fish (such as trout, salmon, and steelhead) and their habitats. TU has more than 350,000 members and supporters nationwide, including many members in Oregon.

HB 5018 appropriates money from the General Fund to the Department of Environmental Quality (DEQ) for certain biennial expenses.

Trout Unlimited supports providing funding in HB 5018 for POP #124 in DEQ's agency request budget, which would have provided 5 positions (3.625 FTE) to the water quality program for watershed restoration efforts, at a cost of \$1,108,414.¹

Regulatory Background

The Oregon Department of Environmental Quality (DEQ) is the primary agency responsible for implementing the federal Clean Water Act (CWA) and state water quality laws. When a waterbody does not meet water quality standards, it is listed as “impaired” for that criteria on the federal Environmental Protection Agency’s “303(d) list.”

After a waterbody is listed, the next major step is for DEQ to establish a water quality improvement plan to remedy the impairment, known as a “TMDL.” Implementation of a TMDL involves water quality restoration efforts that are intended to bring the waterbody back into compliance with water quality standards.

The Problem

DEQ has a significant backlog of TMDLs. Trout Unlimited recognizes the significant time and effort required to complete a TMDL, and we acknowledge that DEQ staff are hard at work on several of these plans. However, some of the most beloved rivers—and recreational fisheries—in Oregon have been on the 303(d) list for *decades*, with a TMDL still not completed.

¹ See DEQ's Agency Request Budget at PDF pages 610-612 (available at <https://www.oregon.gov/deq/about-us/Documents/DEQ-23-25ARB.pdf>); DEQ's ARB Summary at page 2 (available at https://www.oregon.gov/deq/EQCdocs/072222_P_Handout_Updated.pdf).

For example, the Upper Deschutes has been on the 303(d) list for numerous criteria since 1998.² The Upper Deschutes still does not have a TMDL. Last year, DEQ assigned a “medium” TMDL priority for the Upper Deschutes and Little Deschutes Subbasins, with a corresponding schedule to have a TMDL submitted to EPA by April 2030.³ Implementation of the TMDL and related water quality responses would not occur until sometime thereafter.

DEQ’s ARB described the need as follows:

“Without sufficient staffing capacity to support ongoing engagement with entities responsible for reducing pollutant loading, strategies are unlikely to be implemented in a timely or successful manner. These activities, including providing basin-specific technical and funding assistance, are critical to restoring impaired watersheds and protecting public interests.”⁴

The Governor’s Recommended Budget (GRB) does not include POP 124.

The Solution: POP 124

POP 124 would have added staff to the Water Quality program’s TMDL team. TU supports providing funding for POP 124 in HB 5018 because it would provide DEQ additional capacity to provide coordination support and technical assistance for designated management agencies with TMDL responsibilities. Ultimately, this should aid DEQ in getting more TMDLs done

Drought Package

DEQ’s POP 124 is currently proposed as a line item in HB 3124 (the “Drought Package”).⁵ That component of the drought package also includes capacity for Oregon Department of Agriculture’s Agricultural Water Quality Management Program, which TU supports and testified about before this Subcommittee on March 16th (regarding ODA’s budget bill, HB 5002). TU supports including the DEQ watershed restoration POP in the Drought Package, but we wish to raise and support the opportunity to include it in DEQ’s budget bill, too.

Thank you for this opportunity to provide comments, and please let me know if you have questions.

Sincerely,

James Fraser
Oregon Policy Advisor
Trout Unlimited
james.fraser@tu.org

² See DEQ, Oregon’s Final 1998 Water Quality Limited Streams – 303(d) List at pages 25-26, November 5, 1998, available at: <https://www.oregon.gov/deq/FilterDocs/1998rpt.pdf>.

³ See DEQ, TMDL Priorities and Schedule For Oregon’s 2022 Integrated Report Submittal, May 2022 (available at: <https://www.oregon.gov/deq/wq/Documents/IR2022-TMDLPriorities.pdf>); DEQ, TMDL Submission Schedule, August 2022 (Approved) (available at: <https://www.oregon.gov/deq/wq/Documents/2020-22TMDLSubmissionSchedule.pdf>).

⁴ DEQ’s Agency Request Budget at PDF page 610 (emphasis added).

⁵ See Bipartisan Drought Relief and Water Security Package (BiDRAWS) spreadsheet, HB 3124 Meeting Material for 3/16/23 meeting of House Committee on Agriculture, Land Use, Natural Resources, and Water, at page 9, #1-17 (available at <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/CommitteeMeetingDocument/265282>).