

POSSIBLE GOOD NEWS FOR THE WILLAMETTE RIVER & OTHER OREGON RIVERS AND STREAMS

As a result of NWEA's last lawsuit on Oregon's failure to properly regulate pollution sources that raise the temperature of rivers and streams, the Oregon Department of Environmental Quality (DEQ) and EPA are under court order to replace TMDL clean-up plans for all or a portion of the Willamette, Umpqua, Rogue, John Day, Snake River/Hells Canyon, Lower Grande Ronde, Hood, Malheur, and Umatilla river basins by the end of 2029. All of these existing temperature TMDLs illegally changed Oregon's water quality standards—to temperatures often high enough to be lethal to salmon.

Likely as a result of pressure from other NWEA litigation, Oregon DEQ has taken this opportunity to potentially improve the likelihood that these TMDLs will be a force for good. To date, the largest contributors to stream warming—logging and farming—have ignored the TMDLs with impunity. Now, for the first time, DEQ has explicitly stated in its replacement Willamette TMDL that Oregon logging rules are “likely” not adequate and Oregon farming rules are flat out worthless. The TMDL also says that 120-foot streamside forested buffers are needed. Unfortunately, DEQ gives its sister agencies over five years to tell Oregonians how they will meet these requirements, so the jury's going to be out for some time on how this helps salmon.