



**MARION COUNTY BOARD OF COMMISSIONERS
WORK SESSION**

**Temperature Total Maximum Daily Load (TMDL) Implementation Plan
Minutes**

Tuesday, May 19, 2026, 2:00 p.m. – 3:00 p.m.
Commissioners' Boardroom
Courthouse Square, 555 Court St. NE, Suite 5231
Salem, Oregon 97301

ATTENDANCE:

Commissioners: Kevin Cameron, and Danielle Bethell.

Board's Office: Trevor Lane, Jonathan Sanford, Kendall Hall, Matt Lawyer, and Chris Eppley.

Legal Counsel: Steve Elzinga, and Andrew Mittendorf.

Public Works: Brian Nicholas, Dennis Mansfield, Stephanie Pulvers, Ryan Wade, and Brian May.

Commissioner Kevin Cameron called the meeting to order at 2:04 p.m.

1. Welcome & Introductions

-Commissioner Kevin Cameron

2. Background and Goals

-Stephanie Pulvers

- County is a Designated Management Agency (DMA) under temperature TMDL:
 - Need to comply with requirements from the Oregon Department of Environmental Quality (DEQ).
- Key regulatory obligations:
 - Submit draft implementation plan by November 9, 2026.
 - Complete streamside evaluation by October 2027.
 - Submit implementation plan:
 - Incorporate streamside evaluation results by October 2027.
 - Show incremental progress of reducing stream temperature impacts over time.
- Primary goals:
 - Minimize burden on property owners.
 - Voluntary participation, partnerships, and existing programs not new mandates.
 - Framework and timeline for compliance:
 - Allowing flexibility as more data is collected.

3. Streamside Evaluation

-Stephanie Pulvers

- Purpose:

- Evaluate conditions along streams of County responsibility/land-use authority.
 - Identify areas of insufficient shade and document constraints:
 - Physical, jurisdictional, or land-use based.
- Methods:
 - Use Light Detection and Ranging (LiDAR) data supplied by DEQ for desktop analysis to identify potentially low shade reaches.
 - Prioritize and categorize sites based on shade conditions.
 - Conduct field verification via watershed councils funded by the grant to:
 - Confirm shade conditions.
 - Document physical constraints:
 - Houses, roads, and bridges.
 - Document jurisdictional constraints:
 - State-owned lands.
 - Agricultural lands.
 - Unwilling property owners.
- Products:
 - Develop Geographic Information System (GIS)-based map of prioritized stream segments with low shade and high implementation potential.
 - Evaluation will likely need to be repeated every five years.
- Map to be internal tool (GIS/Public Works):
 - Not broadly public-facing.
 - Protect landowners from potential misuse by outside organizations.
- Expectation that any on-site work will be preceded by owner contact and permission.

4. Implementation Plan

-Stephanie Pulvers

- Builds on streamside evaluation results to define where and how to act.
- Must:
 - Outline targets.
 - Phased approaches.
 - Management strategies for stream temperature reduction.
- Key strategy areas - based on DEQ's preferred management tools:
 - Riparian and shade enhancement:
 - Vegetation planting and protection.
 - Water use and flow management:
 - Conservation, efficiency, and infrastructure improvements.
 - Channel and habitat restoration:
 - Stabilization, connectivity.
 - Reservoir/system operations are not applicable for county.
- Proposed focus areas:
 - Strengthen existing programs:
 - Stream Tree program:
 - Tree/shrub planting for shade along streams.
 - Support partner work:
 - Watershed councils, Soil & Water Conservation District, Oregon State University (OSU) Extension, Master Gardeners, etc.
 - Give appropriate credit where their work contributes to TMDL goals.
 - Improve documentation and tracking of actions already being taken:
 - Mitigation plantings for bridge projects and other riparian plantings.
 - So, it counts toward compliance.
 - Develop low-cost outreach/education tools:
 - Standard materials to go with planning/building permits near streams.

- Electronic tools/handouts showing benefits, resources and grants.
 - Keep program voluntary:
 - No new local enforcement mechanisms.
 - Avoid regulations that inadvertently bind property owners.
- Full shade targets are set on timeline extending to around 2100:
 - Emphasize incremental progress not rapid, large-scale changes.

5. Other

-All

- Grant and funding:
 - Total project cost is \$231,088.
 - Grant funding Oregon Watershed Enhancement Board (OWEB) of \$142,880.
 - Match:
 - Internal staff time of about \$88,200:
 - Historically covered by Solid Waste Fund.
 - Shifting to Stormwater Fund after July 1st:
 - Primarily East Salem Service District.
 - Unfunded mandate and concern of service district carrying high cost of countywide work.
 - Intend to pursue additional grants to cover gaps:
 - Partner grants through Soil & Water Conservation.
- Roles of partner organizations:
 - Watershed councils:
 - Field site visits, help with outreach, and track voluntary projects.
 - Soil & Water Conservation District:
 - Done plantings, cover crops, and other resource protection programs.
 - Potential for alignment and shared credit.
 - OSU Extension and related programs (Master Gardeners, research centers):
 - Integrate shade and riparian education to current trainings and events.
- Property rights and outreach tone:
 - Respect private property rights.
 - Avoid actions that make landowners feel coerced or surprised.
 - Prefer for indirect, educational outreach over door-to-door or intrusive efforts:
 - Newsletters, partner communication, etc.
- Legal and policy issues:
 - Water temperature treated as pollutant:
 - Regulated under same legal framework and can be human influenced.
 - Legality of rainwater collection in Marion County:
 - Preliminary indication is generally legal when captured from impervious surfaces.
 - Possible nuances with state law and private rights between neighbors.
 - State-level factors also affect water temperature:
 - Local governments are still required to act within their jurisdictions.
 - Wildfire impacts, loss of upstream shade, dam operations.

6. Next Steps

-All

- Proceed with Intergovernmental Agreements (IGAs) with watershed councils to:
 - Conduct streamside site verifications funded by OWEB grant.
 - Deliver prioritized GIS mapping as part of streamside evaluation.
- Ensure IGAs and field protocols:

- Process for securing landowner permission before entering private property.
 - Require appropriate identification for anyone working for county or partners.
- Share detailed budget spreadsheet showing grant, match, and staff-time breakdown.
- Legal to review draft implementation plan/related items before DEQ submission:
 - Avoid overcommitting or creating unintended obligations.
- Apply for partner grants as they open to fill gaps.
- Document legal status and constraints of rainwater collection in Marion County.
- Ongoing coordination:
 - Continue discussion with counties and cities to share approaches/resources.
 - Develop outreach tools with education and resource connections without adding staff burden.
 - Operate and, if possible, expand Stream Tree program and other shade-enhancement efforts, with improved tracking for TMDL reporting.

Adjourned – time: 2:53 p.m.

Minutes by: Mary Vityukova

Reviewed by: Gary L. White