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Seal Rock Water District

Application of Herbicides in the District's Watershed on South Beaver Creek

The district has received multiple emails, messages, and phone calls from our customers expressing concerns about a proposed aerial herbicide spraying in the South Beaver Creek Watershed. An approved aerial spraying plan is set to be carried out on behalf of ANE Forests of Oregon to reforest their clear-cut timberland. This operation covers a total of 475 acres spread over 8 smaller parcels and is scheduled to begin September 2nd through November 30th, 2023.

The SRWD Board of Commissioners and staff are very concerned about the effect of herbicide application on our coastal environment, residents, wildlife, and water intake operations at the SRWD's Point of Diversion (POD) downstream of the proposed application sites. The district is working with state agencies to develop protocols for managing potential hazards to prevent them from entering the drinking water system to ensure that the spray operation will not adversely impact our domestic water supply.

Subject to OAR 333-061-0043, SRWD currently performs tests for herbicides and pesticides or Synthetic Organic Compounds (SOCs) on a quarterly basis, as required by the Oregon Health Authority (OHA) Drinking Water Services. If the application of herbicides cannot be prevented, the recommendation from DEQ's Source Water Protection Coordinator is to perform additional testing of the raw water supply on Beaver Creek pre and post-application to ensure that the raw water is free of contaminants. Under current statute, DEQ's role is advisory unless a pesticide exposure is reported to PARC (the Pesticide Analytical Response Center) or there is a verified water pollution from the application.

More frequent sampling is likely to be necessary subject to the type of chemicals used and the frequency of application. If analytical results indicate that harmful chemicals are present in the raw water supply the district will move to a secondary source (City of Newport) until the district's Beaver Creek source water supply is safe.

While we continue to develop a management plan in response to this issue, it is the district's intent to take every precaution necessary to protect the water system. We will perform this by; 1.) Shutting the Beaver Creek intake pump station off during the application of herbicides. 2.) Allow flow in the creek to move through the stream beyond the POD. 3.) Sample the raw water and if results are non-detect the district will resume operation, as long as it's safe to do so. 4.) If hazardous chemicals are detected the district will not use the Beaver Creek system, report results to DEQ and PERC, and continue sampling. The district has a 5-day supply of water depending on the time of year. However, if necessary, the district will suspend the operation of the intake longer, continue sampling, and move to a secondary source of water until it's safe to resume operation on the Beaver Creek system.

Finally, we would like our customers to know that district staff has been in consultation with the Oregon Department of Forestry (ODF), Department of Environmental Quality (DEQ), Lincoln County Board of Commissioners, Representative Gomberg's office, and the Governor's office in support of this issue. The district is working diligently to provide the community and our customers with updates regarding this matter. Please follow the district's website for more information.

Thank you.



Board of Commissioners

Courthouse, Room 110
225 W. Olive Street
Newport, Oregon 97365
(541) 265-4100
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Aug. 16, 2023

Re: NOAP 2023-553-09307

To: ANE Forests of Oregon, Sorn Nymark

The Lincoln County Board of Commissioners formally, respectfully requests that ANE Forests of Oregon and landowner Sorn Nymark abate plans for herbicide application in the South Beaver Creek watershed. Our concerns with this planned chemical application are many and can be grouped into three primary categories: public health and safety, environmental protection, and public sentiment.

- Public health and safety – The planned spray sites lie just upstream of the intake for the Seal Rock Water District, a utility providing water to 5,500 people year-round and up to 8,000 during peak tourist season. The district's general manager has said the spraying will require testing to detect contamination and an immediate cessation of water collection if contamination is detected, forcing the district to buy water from a neighboring utility until testing comes back negative for these dangerous chemicals. Even then, the first rains of the season will require a new round of testing due to runoff and potentially more shutdowns of collection.

Additionally, many residents of the area rely on springs and wells, which are also susceptible to contamination. These residents do not have the option of obtaining a secondary source of water and might not have the resources to pay for testing.

In both cases, the increased testing and potential purchase of alternative water supply represents an unfair financial burden to the water district, landowners and residents – on top of the risk to public health.

- Environmental protection – The proposed spray areas are in close proximity to sensitive habitat, home to bald eagle, osprey, black bear, beavers and other wildlife. The watershed is also critical habitat for the Oregon Coast coho salmon, listed as a threatened species under the Endangered Species Act.
- Public sentiment – The Lincoln County Board of Commissioners, as well as state agencies, have received dozens of comments in adamant opposition to the planned spraying. And while it was eventually overturned in a circuit court decision upheld on appeal, county residents in 2017 approved an ordinance banning all aerial herbicide and pesticide spraying in Lincoln County, making the will of our constituents, and our obligation to be their voice, clear.

Oregon law makes the decision to spray or not to spray yours. Your ownership of our precious natural resources also comes with a clear ethical, if not legal, obligation to protect them. We urge you to seek alternative means to control unwanted vegetation.

A handwritten signature in black ink that reads "Kaety Jacobson". The signature is written in a cursive style and is positioned above a horizontal line.

Kaety Jacobson, Chair
Lincoln County Board of Commissioners

A handwritten signature in black ink that reads "Casey Miller". The signature is written in a cursive style and is positioned above a horizontal line.

Casey Miller, Vice Chair
Lincoln County Board of Commissioners

A handwritten signature in black ink that reads "Claire Hall". The signature is written in a cursive style and is positioned above a horizontal line.

Claire Hall
Lincoln County Board of Commissioners