



Snake River Total Maximum Daily Load

Advisory Committee Charter

Rulemaking Contact: Mandy Ondrick

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Translation and other formats

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Objectives and scope

Committee purpose and objectives

This rulemaking is for the Snake River Total Maximum Daily Load and Water Quality Management Plan for temperature.

The Rulemaking Advisory Committee's purpose is to provide input to the Oregon Department of Environmental Quality on a proposed rulemaking to meet the criteria of the U.S. District Court. The court found that U.S. Environmental Protection Agency's approval of an element of Oregon's water quality standard for temperature, the [Natural Conditions Criterion](#), was unlawful. The Natural Conditions Criterion stated that where the natural thermal potential of all or a portion of a water body exceeds the biologically based numeric temperature criteria in OAR 340-041-0028(4), the natural thermal potential temperatures supersede the biologically based criteria and are deemed to be the applicable temperature criteria for that water body. This portion of the temperature water quality standard was effective from 2003 until EPA disapproved it in response to the court decision in 2013. Many temperature TMDLs were based on these criteria, and this became the subject of a second lawsuit brought by the Northwest Environmental Advocates against EPA asserting the EPA unlawfully approved Total Maximum Daily Loads (TMDLs) that were based on the now disapproved Natural Conditions Criterion.

On Oct. 4, 2019, the Court issued a judgment for NWEA v. EPA, No. 3:12-cv-01751-HZ (D. Or., Oct. 4, 2019) and required DEQ and USEPA to replace 15 Oregon temperature TMDLs that were based on the Natural Conditions Criterion and to reissue the temperature TMDLs based on the remaining elements of the temperature water quality standard. Project TMDLs including the Snake River are listed on the project web page: [Department of Environmental Quality : Temperature TMDL Replacement Project : Total Maximum Daily Loads : State of Oregon](#).

DEQ plans to hold two rulemaking advisory committee meetings for this proposed rule. The role of the rulemaking advisory committee is to advise DEQ on the following:

- Economic and fiscal impacts of the proposed rules for entities impacted by the proposed rule.
- Revision of required TMDL elements with a focus on the TMDL allocations to be updated based on the current temperature criteria for the project area.
- Revisions to the Water Quality Management Plan

The committee fulfills the requirement in Oregon Revised Statutes 183.333 to obtain input from an advisory committee on the fiscal and economic impact of the proposed rule. DEQ is not requesting the committee to make decisions or recommendations as a group. Neither does DEQ expect that the committee will reach consensus on their views or their input to DEQ.

This proposed rule includes the following: The Snake River TMDL replacement for temperature in the applicable project area that includes the entirety of the Snake River, Brownlee Reservoir, Oxbow Reservoir, and Hells Canyon Reservoir within Oregon from approximately river mile 176 at the tri-state border of Oregon, Washington, and Idaho upstream to approximately river mile 409 at the Oregon and Idaho border.

Information about this [rulemaking](#) is online and additional information is on the [project page](#).

Project scope

The scope of this rulemaking is for the temperature TMDL for the Snake River to be developed to address temperature listings. The exact extents are described in the Quality Assurance Projects Plans. The TMDL phasing considers the extent of the water quality models being used to support the TMDLs, requirements of the court order, and DEQ's available resources. Quality Assurance Project Plans and other information is on the project web page: [Department of Environmental Quality : Temperature TMDL Replacement: Snake River : Total Maximum Daily Loads : State of Oregon](https://www.deq.state.or.us/temperature-tmdl-replacement-snake-river-total-maximum-daily-loads-state-of-oregon)

Fiscal, economic and racial equity impacts

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses

The statement of fiscal and economic impact will be written by DEQ based on available information and the input of the advisory committee. It will be available to the public during the formal public comment period on the proposed rule amendments.

Rulemaking timeline

The table below shows the major milestones and dates for this rulemaking process.

Milestone	Date
Advisory Committees (two meetings)	Feb. 4, 2026, and Apr. 22, 2026
Public Notice and Comment Period	August - September 2026
Public Hearings	October 2026
Presentation to EQC for Adoption	May 2027
EPA approval or disapproval due	Dec. 8, 2028

Roles

DEQ facilitator

The facilitator:

- Encourages open, candid and robust dialogue
- Starts and ends the meetings and agenda items on time

- Encourages innovation by listening to all ideas
- Captures ideas
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting

Committee members

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned, if needed. However, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting
- Stays focused on the specific agenda topics for each meeting
- Comments constructively and in good faith
- Consults regularly with constituencies to inform them on the process and gather their input
- Treats everyone and their opinions with respect
- Allows one person to speak at a time
- Is courteous by not engaging in sidebar discussions
- Avoids representing to the public or media the views of any other committee member or the committee as a whole

Non-committee member attendees

Non-members from the public may attend the committee meetings to observe, but not to actively participate in committee discussions. If non-committee members are present at a meeting, DEQ will try to provide time during the meeting for their comments and questions. However, this will be discretionary and as time allows.

DEQ staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas
- Giving committee members reasonable access to staff

- Encouraging all members to take part in discussions
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used

DEQ support and website

DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. DEQ administrative staff will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee web page.

Committee meetings

1. All committee meetings will be:
 - Open to the public, although the committee can choose whether the public can actively participate in committee meetings
 - Advertised on DEQ's web page calendar two weeks before the meeting at: [DEQ Event Calendar](#)
 - Noticed by email to the Water Quality Standards GovDelivery list
2. The committee is expected to meet two times virtually.
3. Meeting materials and agenda will be posted to the advisory committee web page

Decision making

This advisory committee will not make policy decisions. Rather, DEQ will consider the committee's discussions and input to inform its draft proposed rules for the TMDLs. DEQ retains the authority to decide the content of the final proposed rules and rulemaking documents. The proposed rules will be published for public review and public comment as part of DEQ's rulemaking process.

Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

Committee members

Name	Affiliation
Maria Snodgress	Oregon Department of Agriculture
Jorden Smith	Oregon Department of Fish and Wildlife
Rebecca McCoun	Oregon Department of Forestry
Marshall Pierce	City of Ontario
Evan Magner	Malheur County
Doni Bruland	Baker County
Katy Nesbitt	Wallowa County
Jesse Naymik	Idaho Power Company
Ellie Hanson	Malheur Watershed Council
Doug Maag	Landowner
Don Elder	Pacific Rivers
Stephen Pfeiffer	Idaho Rivers United
Robbie O'Donnell	Washington State Department of Ecology
Lynn Larsen	Natural Resource Conservation Service
Mike Brown	United States Bureau of Land Management
Carmen Leguizamón	United States Fish and Wildlife Service
Scott Hauser	Upper Snake River Tribes
Jay Hesse	Nez Perce Tribe

Travel expenses

DEQ is able to reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in advance.

Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with DEQ to the maximum extent possible which DEQ will then share with the rest of the committee members where appropriate. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it. Committee members should only send emails (and other communications) to DEQ and not the committee because including all members on an email could constitute a violation of Oregon's Public Meetings Law.

Public involvement

All meetings will be open to the public. DEQ will try to set aside time for public input during a committee meeting if time allows. However, this is at DEQ's discretion.

DEQ will develop draft rules concurrent with the advisory committee process. Once this process is complete, DEQ will conduct a public rulemaking process. That process will include a specified period of time during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing(s) during which any member of the public can submit written or verbal comments. Individual committee members may provide additional input as written or verbal public comments to DEQ on the proposed rule at this time. DEQ may modify the proposed rules based on public comment. DEQ intends to provide a final proposed rule to the EQC for action at its meeting in May 2027.

DEQ contacts

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