DEQ's Water Quality Management Plan to implement the 2025 Umpqua River Basin Temperature Total Maximum Daily Load

Feb. 18, 2026

Rule Advisory Committee meeting No. 1

Virtual Zoom meeting

Agenda

Time	Topic
10 a.m.	Welcome, introductions, meeting agenda
10:10 a.m.	Rule Advisory Committee Charter review
10:20 a.m.	Draft Water Quality Management Plan
11 a.m.	Draft Administrative Rule language
11:05 a.m.	Draft Fiscal and Economic Impact Statement
11:25 a.m.	Wrap up, next steps
11:30 a.m.	Adjourn meeting

Add “AC” to your name in Zoom to identify you as an advisory committee member, e.g., AC - Michele Martin, DEQ

Zoom logistics and meeting ground rules

Raise hand to be recognized for questions or comments

Use chat to:

- Ask questions
- Provide informational resources
- Second good ideas/issues

Mute when not speaking

If using phone: press *9 to raise hand, *6 to mute/unmute

Committee charter

- 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;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing the views of any other committee member or the entire committee to the public or media.

The charter is on the Umpqua temperature WQMP rulemaking webpage

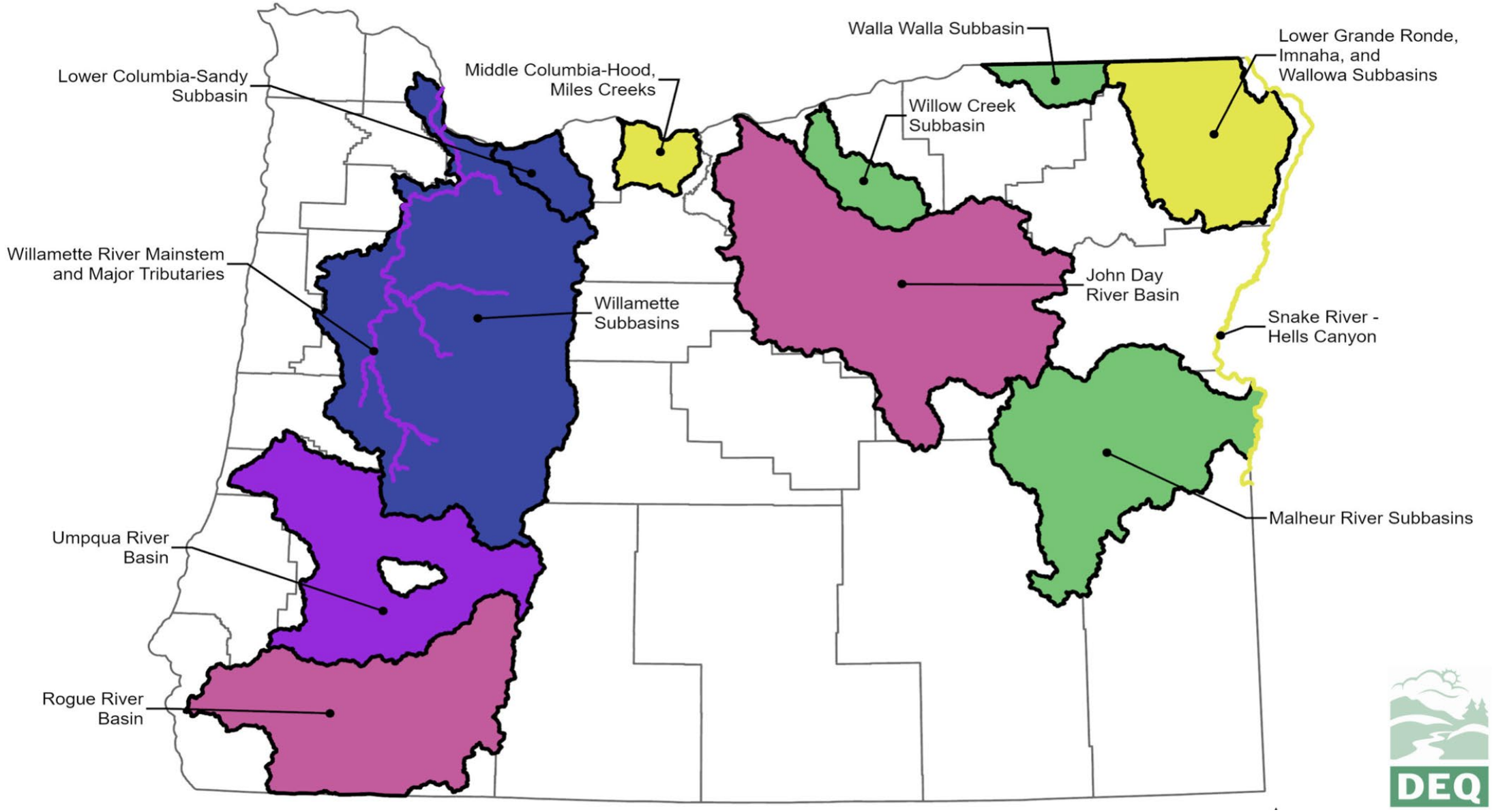
Temperature TMDL Replacement - litigation background

- **2012: NWEA vs. USEPA, NMFS, USFWS**
  - Challenged EPA's approval of Oregon's water quality standards (including the Natural Conditions Criteria) and the Services' "no jeopardy" BiOp
  - Court found “EPA was unable to articulate a rationale [sic] basis for its approval of the NCC”
  - **Outcome:** EPA later disapproved the Natural Conditions Criteria

- **2019: NWEA vs. USEPA**
  - Claimed EPA unlawfully approved temperature TMDLs based on the disapproved Natural Conditions Criteria
  - **Outcome:** Court ordered DEQ and EPA to replace 15 temperature TMDLs using the remaining temperature criteria (excluding the Natural Conditions Criteria)

- DEQ temperature TMDL replacement project page

Project geographic scope

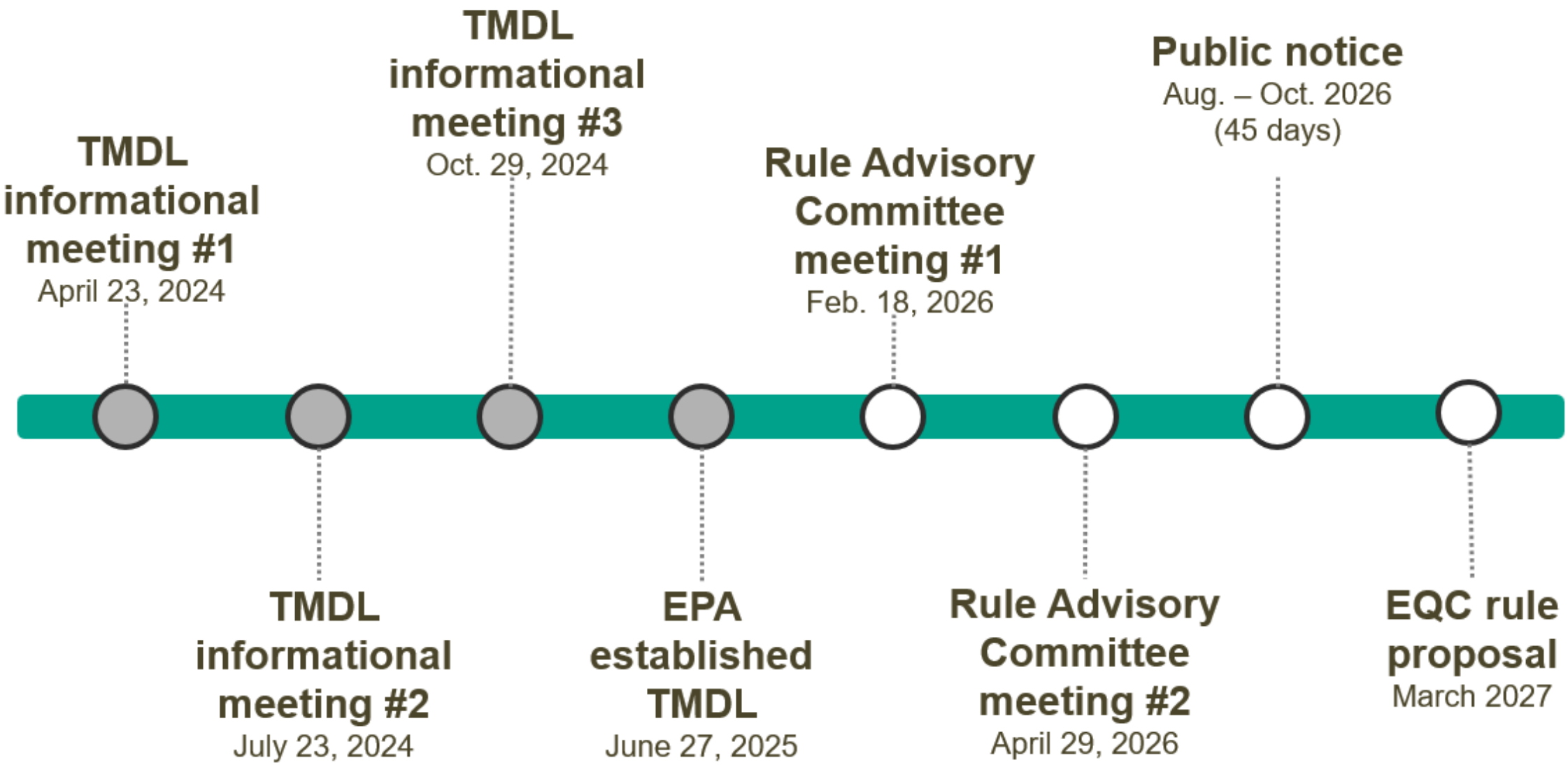


Court-ordered deadlines for TMDL replacements

Jan. 15, 2024	June 28, 2025	Oct. 18, 2027	Dec. 4, 2028	Nov. 29, 2029
✓ Willamette Subbasins ✓ Lower Columbia-Sandy Subbasin	✓ Willamette River Mainstem and Major Tributaries ✓ Umpqua River Basin*	• Rogue River Basin • John Day River Basin	• Snake River - Hell's Canyon • Lower Grande Ronde, Imnaha, and Wallowa Subbasins • Middle Columbia-Hood, Miles Creeks	• Walla Walla Subbasin • Willow Creek Subbasin • Malheur River Subbasins

*EPA issued the Umpqua Basin temperature TMDL on 6/27/2025

Project schedule



Purpose of today's presentation

1. Describe how the WQMP framework supports TMDL implementation
2. Focus on WQMP development, not the TMDL
3. Gather your input

South Umpqua River

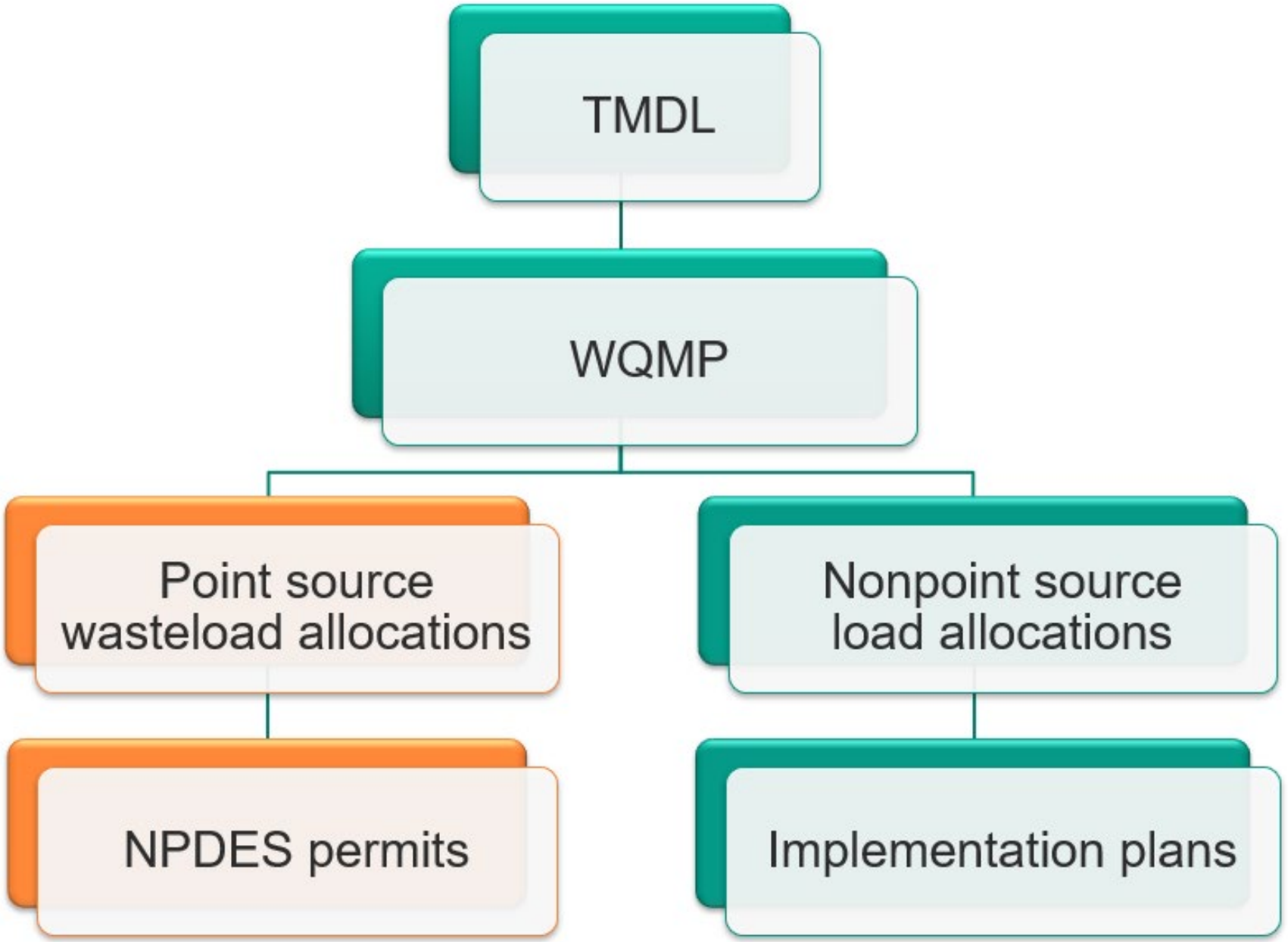
Definitions

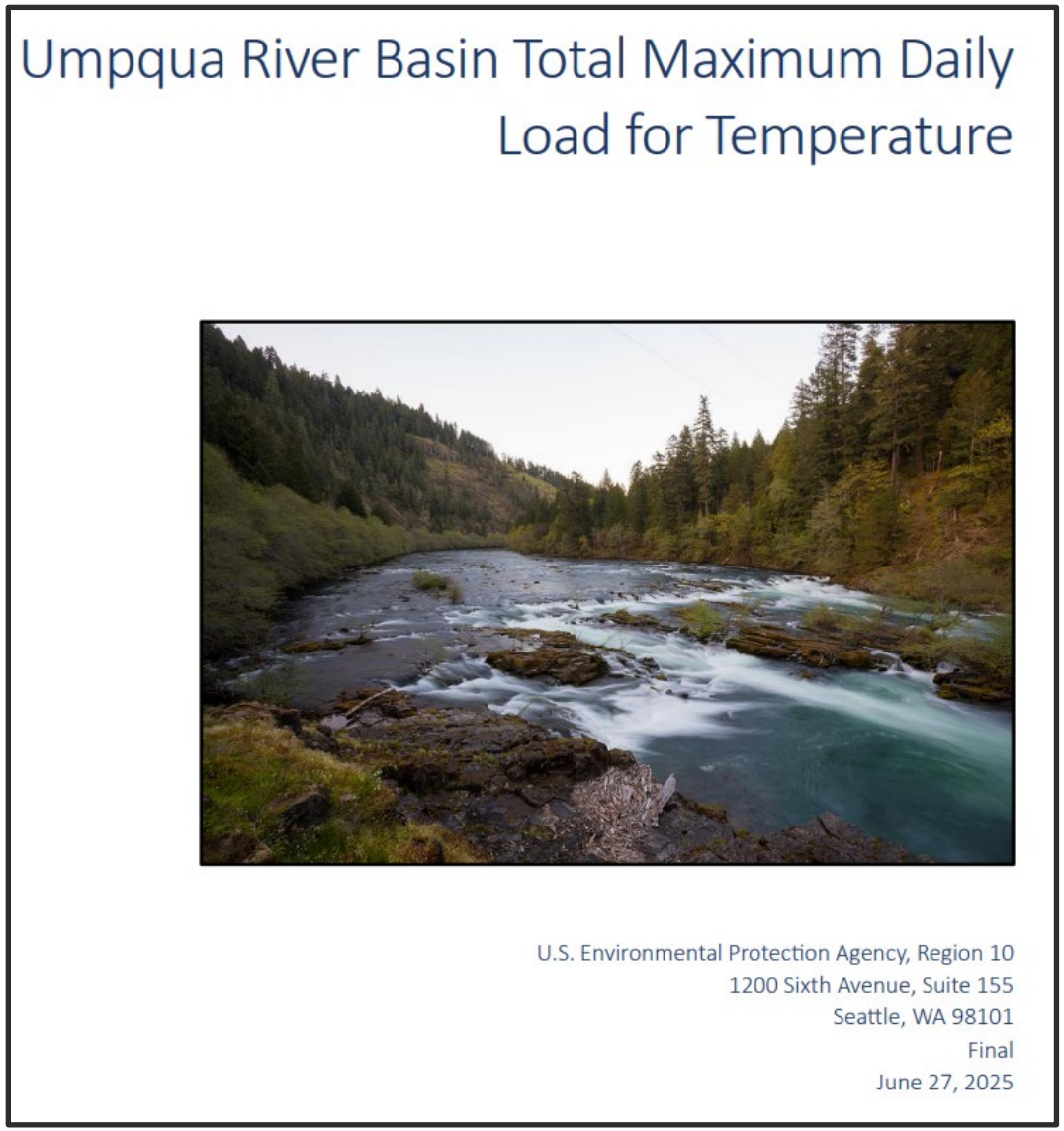
Total Maximum Daily Load (TMDL) is a pollution "budget" for a waterbody

- Limits how much of a pollutant the waterbody can receive and still meet water quality standards
- How that amount of pollution is divided among pollution sources
- The plan for achieving those limits (the WQMP)

Water Quality Management Plan (WQMP) explains how the pollution limits set by the TMDL will be achieved to meet water quality standards.

References: OAR 340-042-0030(15) and (17)


TMDL
WQMP
Point source wasteload allocations
Nonpoint source load allocations
NPDES permits
Implementation plans

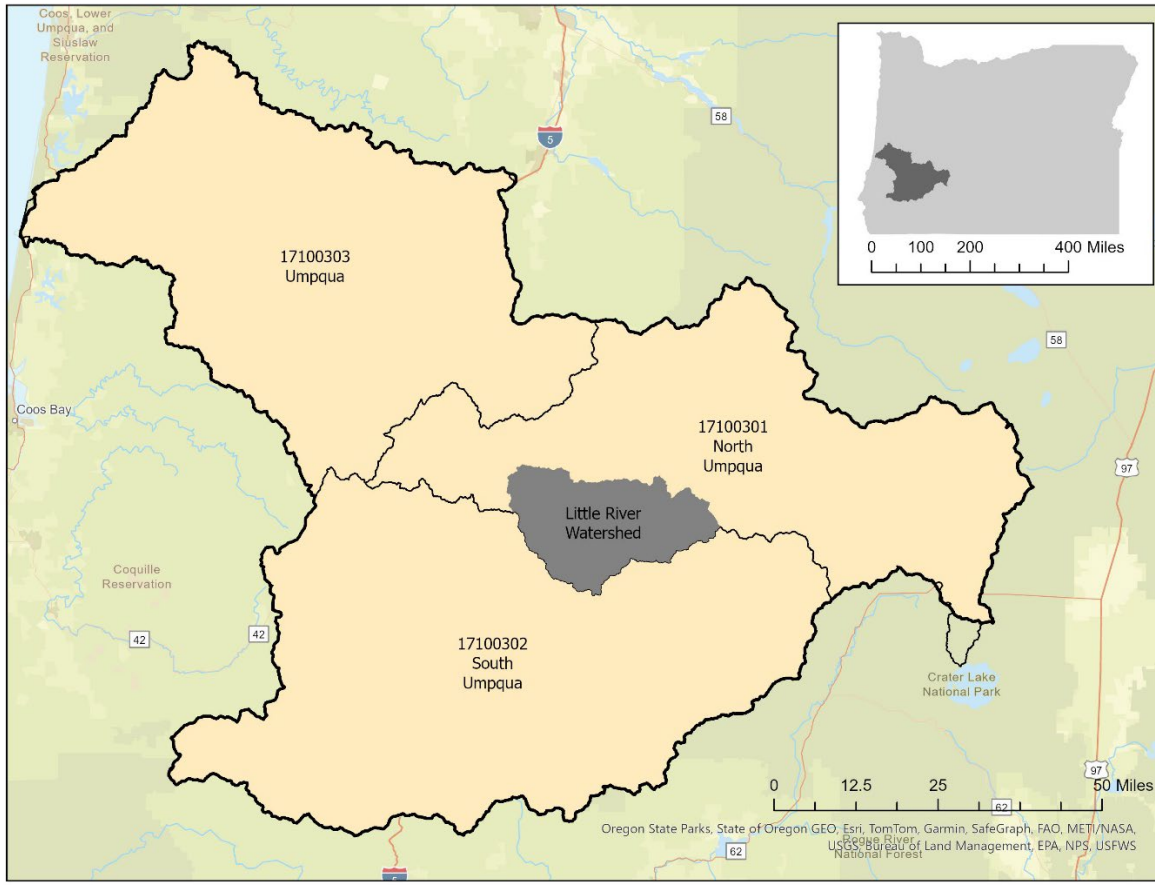


EPA established the Umpqua Basin temperature TMDL; DEQ is responsible for implementing it.

[EPA Umpqua River Basin temperature TMDL]

Umpqua TMDL and WQMP replacement project area

- Replaces the temperature portion of the 2006 Umpqua Basin TMDL and WQMP
- Applies to all waters of the state, except the Little River watershed
- All other TMDLs and associated WQMPs remain in effect and unchanged.



WQMP elements include

- Management strategies
- Timeline for implementation
- Responsible persons
- Reasonable assurance
- Plan to monitor and evaluate progress

Reference: OAR 340-042-0040(4)(l)

South Umpqua River

Responsible persons include DMAs

Designated Management Agencies (DMAs)

- Federal, state, or local agencies
- Identified by DEQ
- Have authority over pollution sources

Other Responsible Persons

- Utilities
- Dam and reservoir operators
- Special districts

“Responsible persons” are entities, including DMAs, accountable for pollution sources addressed by the TMDL.

Reference: OAR 340-042-0030(2)

List of responsible persons (Appendix A)

1. Canyonville
2. Drain
3. Elkton
4. Glendale
5. Myrtle Creek
6. Oakland
7. Reedsport
8. Riddle
9. Roseburg
10. Sutherlin
11. Winston
12. Yoncalla
13. Douglas County
14. Oregon Department of Transportation
15. Oregon Department of Forestry
16. Oregon Department of Agriculture
17. U.S. Forest Service
18. U.S. Bureau of Land Management
19. PacifiCorp
20. **Bonneville Power Administration**
21. **Central Oregon & Pacific Railroad**
22. **Coos Bay Rail Link**
23. **Longview, Portland & Northern Railroad**
24. **Union Pacific Railroad**
25. **Port of Umpqua**
26. **Klamath County**
27. **Lane County**
28. **Highland Ditch Irrigation District**
29. **Jackson County**
30. **Sutherlin Water Control District**
31. **Winchester Water Control District**
32. **Oregon Department of State Lands**
33. **Oregon Department of Fish & Wildlife**
34. **Oregon Parks and Recreation Department**

Screening criteria (Section 7, page 16)

DEQ does not require responsible persons to submit implementation plans if:

- Implementation is addressed under another TMDL.
- Implementation occurs through existing pathways, like permits.
- They lack jurisdiction over lands requiring management strategies.
- Their jurisdiction includes de minimus streamside jurisdiction (generally less than 25 acres).
- Physical or public safety constraints significantly limit opportunities to implement temperature management strategies.

Implementation plan responsibilities (Table 3)

- 22 responsible persons required to submit implementation plans
- 8 state and federal agencies now required
- 13 responsible persons exempt
- Dam and reservoir operators need to monitor

Diamond Lake

Implementation plans must:

- Identify management strategies to achieve load allocations and reduce pollution
- Provide a timeline for implementing strategies and completing measurable milestones
- Provide for performance monitoring with a plan for periodic review and revision
- Provide any other analyses or information specified in the WQMP

Once approved, responsible persons must implement and revise the plan as needed

Reference: OAR 340-042-0080(4)

Feedback on named responsible persons

How well does Table 3 capture those with authority over nonpoint sources of temperature pollution?

What, if any, changes should be made to the screening criteria to determine who prepares an implementation plan?

TMDL nonpoint source categories (Section 4)

- Riparian habitat removal
- Modification to flow/discharge
- Channel modification
- Dam and reservoir operations
- Background and climate change

The WQMP links TMDL sources to management strategies

North Umpqua River

Implementation plans include management strategies (Section 10)

Implementation plans include:

- Identify sources within its jurisdiction
- Applicable strategies
- Describe existing practices
- Identify new strategies

Table 2 lists proposed management strategies.

Umpqua River near Elkton

Riparian habitat removal

Restoring and protecting streamside vegetation increases effective shade through:

- Planting and establishment
- Protection, enhancement, and maintenance
- Thinning and management

Buckhorn Creek

Modifications to flow/discharge

Restoring baseflows, reducing seasonal withdrawals, and improving hydrologic function through:

- Irrigation efficiency
- Instream flow protection
- Floodplain reconnection
- Infrastructure modifications
- Water conservation

South Umpqua River

Channel modification and widening

Restoring natural channel form and function to reduce solar exposure and support cold-water retention through:

- Channel restoration
- Removing or modifying levees, berms, culverts, ponds, and tide gates
- Supporting natural beaver activity or installing beaver dam analogs

Scholfield Estuary

Dam and reservoir operations

Focus on modifying reservoir operations to reduce warming, including:

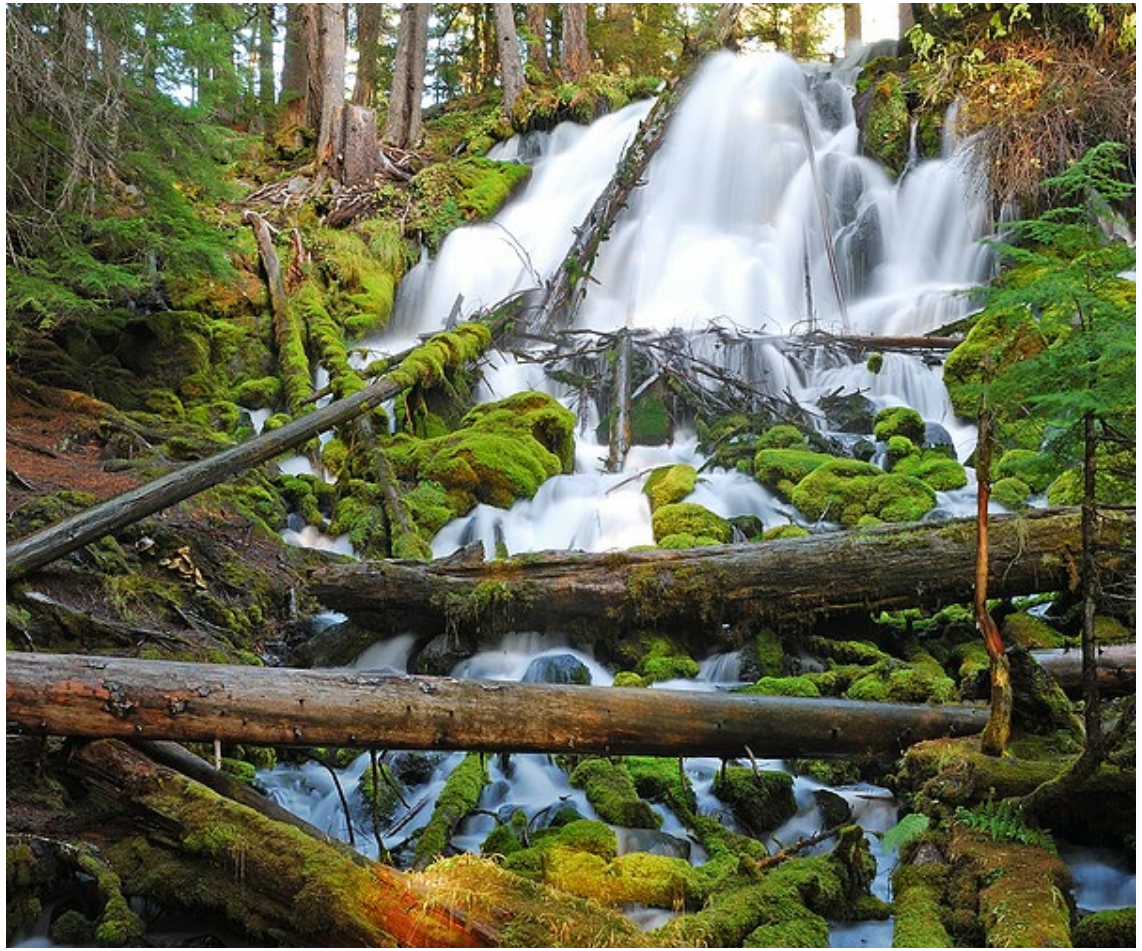
- Selective withdrawal of cooler water
- Adjusting release timing and volume
- Coordinating operations with downstream conditions

Soda Springs Dam

Background sources and climate change

- “Background sources” include all pollution not originating from human activity, as well as anthropogenic sources beyond the state regulatory authority
- Climate change is a contributing factor
- WQMP uses adaptive management and long-term restoration

Reference: OAR 340-042-0030(1)



Clearwater Falls

Feedback on proposed management strategies

What management strategies are missing or not practical for the Umpqua Basin?

Prioritizing areas for restoration and protection (Section 10.2.1)

Compare current vegetation and shade to restored conditions

- Streamside evaluation
- Shade gap analysis

The TMDL provides surrogate measures that inform implementation.

South Umpqua Falls

Streamside evaluations (Section 10.2.1.1)

Classify and quantify streamside areas

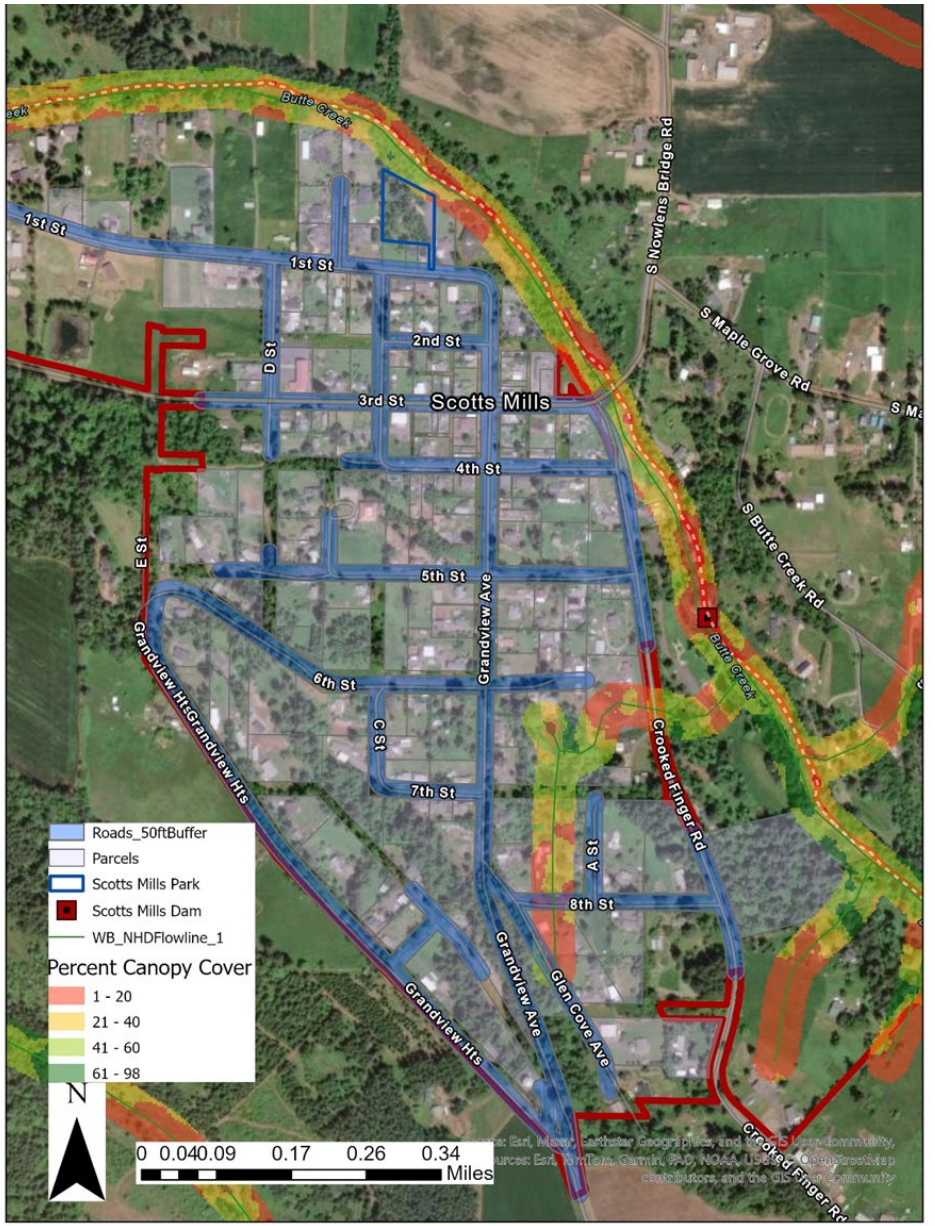
- Needs protection
- Needs enhancement
- Constraint-limited
- Alternative strategy

Prioritized action plan that identifies where management strategies should be applied along streamside areas

Canyon Creek

Town of Scotts Mill

- Population 390
- Used publicly available Plant Data
- Evaluated percent canopy cover 50 feet from top of bank
- Canopy density over 61% considered low priority for projects but should be protected and passively managed.

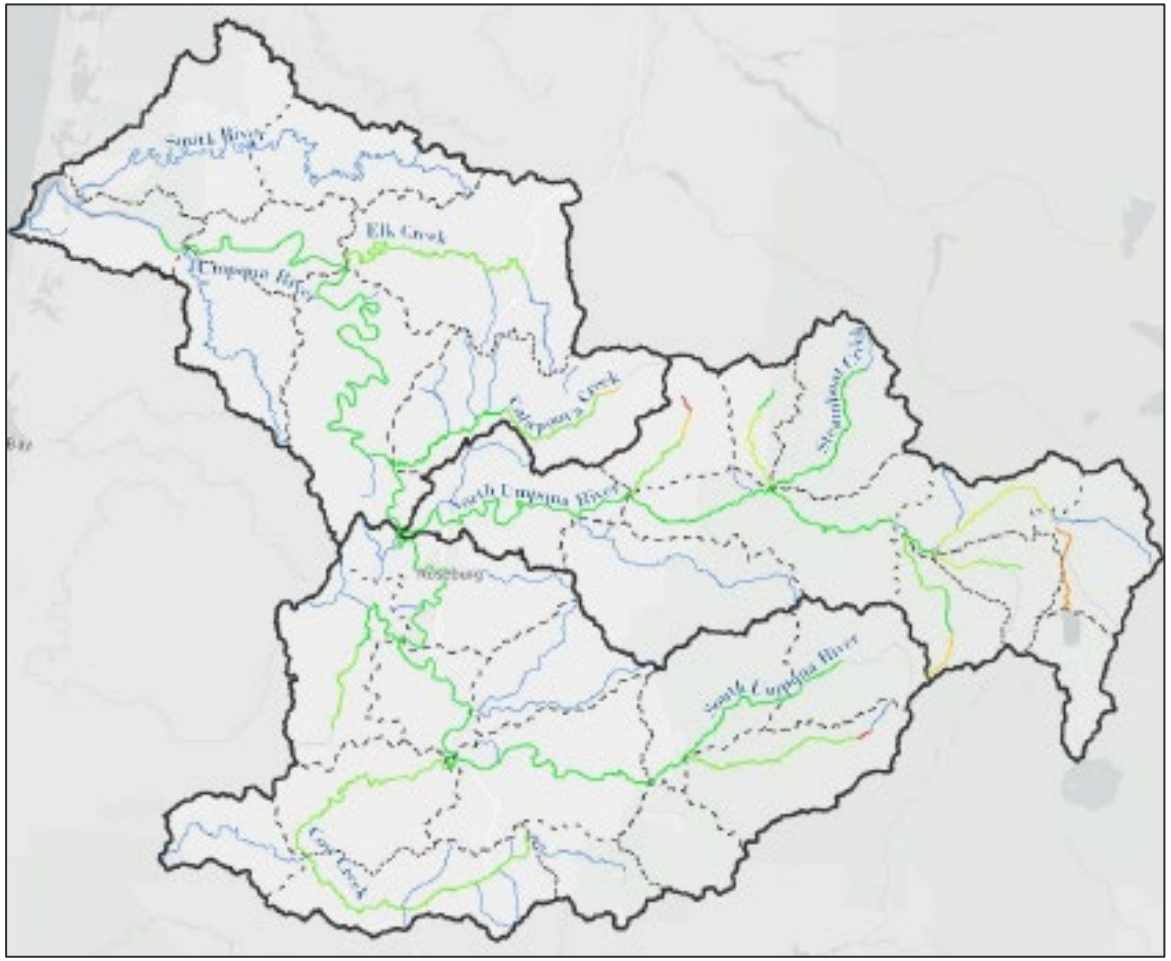


Prioritized action plan

1. Contact the watershed council and Marion County to evaluate restoration projects adjacent to the Post Office and in Scotts Mills Park
2. Identify property owners with less than 20% estimated canopy cover and send one direct mailer
3. Evaluate an in-channel restoration project at the old mill dam site

Shade gap analysis (Section 10.2.1.2)

- Compares current shade to TMDL effective shade targets
- Use results to inform streamside evaluations
- ODA, ODF, and BLM must complete shade gap analysis
- 120-foot protective buffer alternative



Percent Shade Gaps
TMDL Figure 53

Dam and reservoirs requirements (Section 10.2.2)

Screening criteria and TMDL analysis to identify operations with greatest potential to affect stream temperature

- Douglas County → Ben Irving (Berry Creek) and Galesville reservoirs
- PacifiCorp → North Umpqua Hydroelectric Project

Galesville Reservoir

Dam and reservoir monitoring and assessment

- Surrogate Measure: no net warming above inflow temperature
- Monitoring evaluates compliance
- Results determine whether an implementation plans is needed

Soda Springs Dam

Additional analysis schedule (Table 6)

Requirement	Responsible persons	Submission date or timeframe
Shade gap analysis project plan	ODA, ODF, BLM	18 months after EQC adoption of this WQMP
Dam and reservoir monitoring and assessment plan	Douglas County and PacifiCorp	18 months after EQC adoption of this WQMP
Streamside evaluation	Responsible persons listed in Table 3 with jurisdiction over streamside lands	Year-four annual report
Shade gap analysis results OR documented adoption of a 120-foot streamside buffer	ODA, ODF, BLM and responsible persons not using the TMDL shade gap analysis for their streamside evaluation	Year-four annual report
Dam and reservoir cumulative effects analysis and/or implementation plan updates	Douglas County and PacifiCorp	Following completion of the temperature monitoring and assessment, operator consults with DEQ to set submittal dates

Feedback on monitoring and analysis

Based on this framework, how useful are the streamside evaluation, shade gap analysis, and dam/reservoir monitoring requirements for prioritizing actions in implementation plans?

Do the screening criteria for dams and reservoirs make sense for identifying those most likely to influence downstream temperature?

How achievable is the proposed implementation schedule (Table 6)?

Basin-wide progress and benchmarks (Section 5)

- Track progress using surrogate measure targets
- Basin-wide target: 10% cumulative shade improvement every 10 years
- Incremental progress and adaptive management

Wrights Creek

Implementation plan schedules (Section 10.3)

- Plans or plan updates due 18 months after EQC adoption
- Plans include milestones aligned with WQMP benchmarks
- Describe performance monitoring
- Update plans every five years

South Umpqua River

Performance monitoring (Section 10.4)

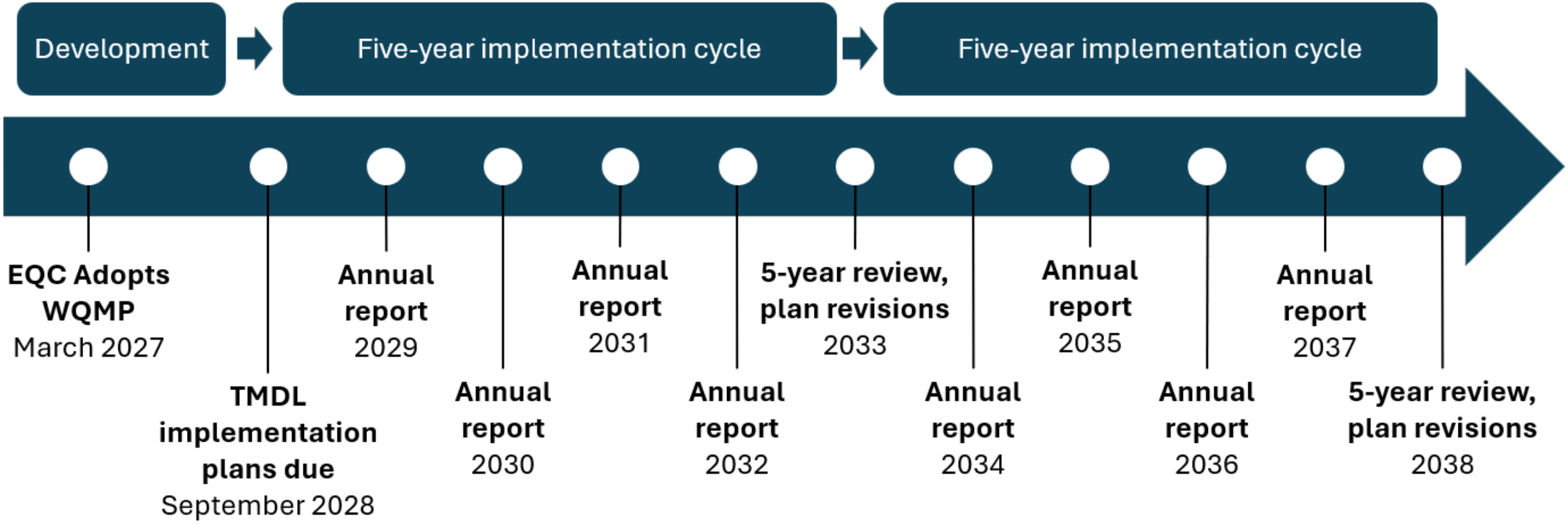
Submit annual reports summarizing:

- Strategies implemented
- Progress towards timelines and milestones
- Monitoring results
- Partner coordination
- Changes

Report restoration activities to Oregon Watershed Restoration Inventory

Big Bend Pool, Steamboat Creek

Five-year implementation plan cycle



Monitoring and evaluation (Section 11)

- Implementation progress and effectiveness through:
  - Annual reports
  - Five-year reviews
  - Environmental monitoring data
- ODA, ODF, BLM, and USFS must monitor stream temperatures
- DEQ reviews progress every five years

Lemolo Lake

Feedback on timelines, monitoring and evaluation approach

Is 10% shade increase per decade a realistic pace for the Umpqua Basin?

How else can DEQ verify implementation is ongoing and maintained over time?

What other information or data would make tracking more effective?

How else can DEQ verify implementation is ongoing and maintained over time?

Draft rule language

Division 42
TOTAL MAXIMUM DAILY LOADS (TMDLS)

340-042-0090
Total Maximum Daily Loads and Water Quality Management Plans

The following TMDLs are adopted by EQC by reference in this rule on the dates indicated. The TMDL documents and supporting information for TMDLs adopted as rule or issued by order are available on DEQ's website.

(5) Umpqua River Basin – Includes North Umpqua Subbasin (HUC 17100301), South Umpqua Subbasin (HUC 17100302), and Umpqua Subbasin (17100303). Excludes the Little River watershed, HUC 1710030111 where a TMDL was approved by EPA in 2002. The WQMP for temperature was adopted on MM DD, YYYY

Fiscal impact analysis

Chapter 183 — Administrative Procedures Act

- Public notice must include a Statement of Fiscal Impact
- DEQ must solicit input from a rule advisory committee on:
  - Whether the rule has fiscal impact
  - The extent of that impact
  - Whether the rule will have a significant adverse impact on small businesses
- Racial equity statement ORS 183.335(2)(b)(F)
- Environmental justice consideration ORS 182.545

Fiscal impact analysis, questions for feedback

1. Will the draft rule have a significant adverse impact on small businesses?
2. If a significant impact is identified, how could DEQ reduce the fiscal impact on small business?
3. Will the proposed rule impact racial equity?
4. What are additional considerations for environmental justice for this draft rule?
5. What types of entities will be impacted by the proposed rule?
6. How and to what extent will the proposed rule have a positive, negative, or no impact on these entities?

Next steps

Email input from RAC meeting to Umpqua.tmdltemperature@deq.Oregon.gov	March 11, 2026
RAC meeting #2	April 29, 2026, at 10 a.m.
Public notice (45 days)	August-October 2026
EQC meeting for adoption	March 2027

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Toketee Falls

Title VI and alternate formats

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