

Temperature Total Maximum Daily Loads Replacement project: John Day River Basin

Advisory Committee Meeting 1 Summary

Location virtual meeting (Zoom)

Jan. 28, 2026, 1 p.m. PT

The video recording of this meeting is available from DEQ upon request. Email JohnDay.TemperatureTMDL@DEQ.oregon.gov with your request for the video.

List of attendees

Rule advisory committee members

Name	Affiliation	Present
Becky Anthony	Oregon Department of Fish and Wildlife	Present
Melissa Bethel	City of John Day	Present (Donald Gabbard as alternate)
Amie West	U.S. Forest Service	Present
Mike Brown	Bureau of Land Management	Absent
Ryan Krabill	Oregon Farm Bureau	Absent
Hannah Latzo	John Day Basin Partnership	Present
Rebecca McCoun	Oregon Department of Forestry	Present
John Rowell	Grant County	Present
Brent Smith	Oregon Department of Agriculture	Present
Phil St. Clair	Landowner	Present
Kyle Sullivan	Grant County SWCD	Present
Herb Winters	Gilliam SWCD	Present

DEQ staff

Victoria Avalos, Trea Nance, Sarah Norpchen, Sara Slater, Ryan Michie

EPA staff

Rebecca Veiga Nascimento

Agenda

1 p.m.	Welcome, introductions, meeting agenda
1:10 p.m.	Rule Advisory Committee Charter Review
1:20 p.m.	Draft Total Maximum Daily Load
1:50 p.m.	Draft Water Quality Management Plan
2:20 p.m.	Draft Administrative Rule Language
2:30 p.m.	Draft Fiscal and Economic Impact Statement
2:50 p.m.	Wrap up, next steps
3 p.m.	Adjourn meeting

Meeting summary

Sarah Norpchen, DEQ

Sarah started the meeting with staff introductions, followed by the agenda covering meeting materials that DEQ posted on January 14, 2026, in advance of the meeting. She then reviewed logistics and ground rules, and the rule advisory committee charter. Next, she performed a roll call of rule advisory committee members. Sarah continued with the project history, scope, and schedule.

Victoria Avalos, DEQ

Victoria summarized technical elements of the TMDL. She explained a TMDL, steps in the TMDL development process, and required elements. The TMDL identifies four individual NPDES permits and nonpoint sources and background. Nonpoint sources include solar radiation from the disturbance or removal of near-stream vegetation, channel modification and widening, and activities that modify flow rate or volume. Victoria reviewed model scenarios used to understand source categories and inform allocations. She described how DEQ calculated the loading capacity, excess loading/load reductions, and human use allowance. The presentation included reviews of the wasteload allocation equation and resulting wasteload allocations for point sources. Next, she reviewed the load allocation equation and resulting load allocations for background and anthropogenic nonpoint sources. She provided a model scenario comparison of the Human Use Allowance (HUA) attainment compared to background loading.

Brent Smith, ODA

Can you better define or explain the background modeling scenario and background [loading] overall?

Victoria Avalos, DEQ

The background scenario is our way to identify conditions without anthropogenic influence and anthropogenic sources not under DEQ jurisdiction. The background scenario combines several scenarios that together estimate conditions without human influence, including restoring channel morphology by reducing bankfull width of channels, vegetation is set to restored conditions, and restored flow. The goal is to estimate a fully restored system, with the exception of sources outside of DEQ's jurisdiction.

Kyle Sullivan, Grant County SWCD

What science went into the HUA?

Victoria Avalos, DEQ

Offered to connect Kyle with DEQ standards staff

Phil St. Clair, landowner

Why was the South Fork John Day excluded from the model scenario map?

Victoria Avalos, DEQ

The South Fork is a tributary and its inputs were included in the TMDL models. The map shows the extent of existing models. Due to time constraints, DEQ is using the 2010 calibrated model developed for the John Day River, Middle Fork John Day River, and North Fork John Day River.

Phil St. Clair, landowner

How recent is temperature data used to calculate TMDL allocations and where did the data come from?

Victoria Avalos, DEQ

DEQ issued a data solicitation in 2020 to request third party temperature data. Data that meets DEQ quality control standards is uploaded into Oregon's Ambient Water Quality Monitoring System (AWQMS) [Oregon DEQ water monitoring data portal]. DEQ used historic and recent data for this TMDL.

Rebecca McCoun, ODF

Would like clarification on Tables 9.1-9.4. How does DEQ define anthropological warming from tributaries and solar loading from existing transportation corridors, existing utility infrastructure? How do their HUA's relate to ODA/ODF who may have jurisdiction over actions near corridors/infrastructure?

Victoria Avalos, DEQ

The HUA for existing transportation corridors, existing utility infrastructure relates to existing infrastructure. Not Oregon Dept. of Agriculture or Oregon Dept. of Forestry activities.

Ryan Mitchie, DEQ

Tributary warming accounts for elevated temperatures in the tributaries, and accounts for warming to tributaries from multiple sources.

Trea Nance, DEQ

Trea summarized components of the Water Quality Management Plan (WQMP). The WQMP names responsible persons, including Designated Management Agencies (DMAs), as responsible for TMDL implementation. She reviewed rationale for naming responsible persons and which persons must prepare implementation plans and asked for input on proposed criteria. No feedback offered. Next, she reviewed priority management strategies to address TMDL pollutants and load allocations including those for riparian vegetation, water withdrawals and flow alteration, and channel modification. Climate change is a contributing factor which, along with local conditions and natural disturbances, may impact the pace of attainment. She asked if there are additional strategies that should be added to the WQMP.

Kyle Sullivan, Grant County SWCD

The WQMP should also consider upland strategies that can result in cooler water or increased flows.

Trea Nance, DEQ

Trea reviewed additional assessments required to prioritize areas for restoration and protection, including the streamside evaluation and shade gap analysis. All persons required to prepare implementation plans must perform a streamside evaluation. ODA, ODF, Bureau of Land Management, and U.S. Forest Service are required to complete shade gap analysis. These agencies also must perform additional monitoring to help DEQ determine the status of instream water quality and landscape conditions associated with water quality. Trea asked the audience if they recommend additional monitoring.

Ivan Hartert, OPRD

Are DMAs required to use DEQ models to run shade or can they use other/their own?

Trea Nance, DEQ

The WQMP outlines multiple methods for the shade gap analysis. Methods for the streamside evaluation, which OPRD is required to perform, are intentionally flexible.

Phil St. Clair, landowner

Monitoring data is not useful unless we [the watershed council] have funding to analyze it. Many of the strategies proposed are costly, and expenses hold back implementation. ODA may not have the staff or money to monitor, and likely not DEQ. Additional monitoring requirements are commendable, but not likely achievable. NRCS does not fund BDAs.

Trea Nance, DEQ

DEQ acknowledges that restoration is expensive and the WQMP offers a list of funding sources. Monitoring components are still in development. The watershed council collects lots of data, and one objective of this WQMP is to determine where we are monitoring and get information in one location and get everyone working in the same direction.

Brent Smith, ODA

Will DEQ provide some shade gap analysis to DMAs?

Trea Nance, DEQ

Yes, the TMDL provides shade gaps results for modeled reaches shown in Victoria's map. This data is available upon request.

John Rowell, Grant County

The longer we can keep water in the uplands, the better off we are. Water will be available later in the year. Forest management is important in those processes. This should be one of the biggest objectives. Also, the right vegetation in lowlands is important, such as juniper control.

Trea Nance, DEQ

Great points, thank you for your comments

Amie West, USFS

Is there a protocol for the streamside evaluation or is that still in development?

Trea Nance, DEQ

The streamside evaluation and shade gap analysis are separate analyses. All DMAs must perform the streamside evaluation. ODA, ODF, BLM, and USFS must perform shade gap. Shade gap methods are in the WQMP. Streamside evaluations methods are flexible and should be right-sized for each DMA. Restoration is expensive, and these analyses help us identify and focus on the best places for restoration to improve water quality.

Amie West, USFS

What areas are covered by shade gap model results and what areas do agencies need to model?

Trea Nance, DEQ

DEQ will provide shade gap for modeled reaches. ODA, ODF, BLM, and USFS must complete shade gaps in places not modeled and in locations where the WQMP adequacy analysis finds current management is inadequate to meet load allocations as measured through surrogate shade.

Alex Woolen, ODFW

Stream restoration is already something we are pretty bad at monitoring. How will the effectiveness of these restoration efforts be assessed? Who is responsible for designing monitoring plans? How do we ensure that self-reporting on the "success" of projects is unbiased?

Trea Nance, DEQ

Great question, that's why we are asking for feedback. We want monitoring to be one of the ways we evaluate implementation success. We want feedback from the experts on how to monitor effectiveness. DEQ quality control requirements for the Ambient Water Quality Monitoring System (AQWMS) address data quality used for TMDL analyses.

Trea ended by reviewing the schedule for implementation plan submittal, annual reports, five-year reviews, and other analysis required in the WQMP.

Sarah Norpchen, DEQ

Reviewed draft rule language and provided background on the fiscal, economic, and racial equity impacts review. She asked the RAC members for feedback on the following questions:

Will the draft rule have a significant adverse impact on small businesses?

Kyle Sullivan, Grant County SWCD

The Fiscal Impact Statement (FIS) small business section does not provide a good accounting of agricultural and timber businesses. How were those numbers derived? The numbers are under-represented. The County Assessor/tax lot data should have information on data coded by farm deferral and timber properties, which means revenue is generated off the property.

Trea Nance, DEQ

DEQ used data from the Oregon small business database. Offered to look into County assessor data.

If a significant impact is identified, how could DEQ reduce the fiscal impact on small business?

No response.

Will the proposed rule impact racial equity?

No response.

What are additional considerations for environmental justice for this draft rule?

Kyle Sullivan, Grant County SWCD

Does DEQ's definition of environmental justice include socioeconomic factors? He may have useful language developed for grant proposals.

Trea Nance, DEQ

DEQ will look into adding more language.

What types of entities will be impacted by the proposed rule?

No response.

How and to what extent will the proposed rule have a positive, negative, or no impact on these entities?

No response.

Amie West, USFS

USFS has permit holders who may be impacted

Trea Nance, DEQ

The draft FIS has a statement on impacts for each DMA. Please review the draft FIS and provide us with language about information that should be included, like USFS permit holders.

RAC members have until Feb. 5, 2026, to provide feedback on drafts and content provided today. They should send comments to DEQ at JohnDay.TemperatureTMDL@deq.Oregon.gov. Comments will be published, along with a summary of this RAC meeting. Sarah concluded with next steps, upcoming dates for public participation, a list of DEQ project websites, and staff names and contact information.

Rebecca McCoun, ODF

Will the Technical Support Document be available prior to public notice?

Victoria Avalos, DEQ

Yes, our goal is to post it in advance of RAC 2.

Kyle Sullivan, Grant County SWCD

If we miss the Feb. 5, 2026, deadline, will there be another opportunity for RAC members to provide comment before public notice?

Sarah Norpchen, DEQ

We will provide a similar comment response period for feedback based on RAC 2. Please do your best to submit comments by Feb 5.

Phil St. Clair, landowner

With each of the DMA plans, have they all been approved?

Trea Nance, DEQ

Many DMAs already have DEQ-approved implementation plans for other TMDLs.

Phil St. Clair, landowner

How does rule apply to private landowners?

Trea Nance, DEQ

Issuing this TMDL by rule, versus order, means the TMDL goes through a more rigorous public process – which we are doing right now. DEQ assigns responsibilities to DMAs, not private landowners. We would direct private landowners to ODA or local experts like the SWCD who can provide technical advice to improve their land.

Sarah closed the meeting. Meeting adjourned at approximately 3 p.m.

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