State of Oregon
DEQ Department of Environmental Quality

Temperature Total Maximum Daily Load Replacement project: Snake River

Written comments

This document provides a compilation of written comments submitted by Rule Advisory Committee members during the designated comment period for RAC Meeting 1. Meeting materials were posted on Jan. 23, 2026, and the RAC convened on Feb. 4, 2026. The comment period was open Feb. 4 - 19, 2026.

Original comments are on file with DEQ.

Contents

Comment 1: US Bureau of Land Management

In Reply Refer To: 1160 (ORV050)

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Mandy Ondrick and Tyler Dearman
Basin Coordinators
Oregon Department of Environmental Quality
475 NE Bellevue Drive, Suite 110
Bend, OR 97701-7145

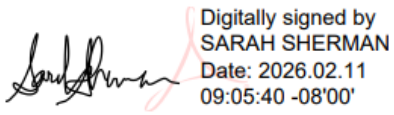
Dear Ms. Ondrick and Mr. Dearman:

The Vale District Bureau of Land Management (BLM) appreciates the opportunity to comment on the Draft Snake River Temperature Total Maximum Daily Load (TMDL) and Water Quality Management Plan (WQMP). As a Designated Management Agency administering lands adjacent to the Snake River we are committed to meeting water quality standards through effective land management. We respectfully submit the following comments regarding the Draft WQMP;

- The BLM suggests clarifying water quality monitoring requirements within the scope of the Snake River Temperature TMDL (pages 27-28). The BLM supports collaboration and development of a monitoring plan to reduce redundant data collection, inform and optimize management decisions, and facilitate knowledge sharing. However, annual congressional appropriations for the BLM will dictate the amount of funding and staff resources available to implement monitoring required in the WQMP.
- Springs along the Snake River contribute to perennial discharge and coldwater habitat in small tributaries. The BLM recommends that the protection of groundwater recharge zones and springs be considered for incorporation into WQMP flow or hydromodification management strategies (pages 3-4).
- The BLM suggests providing additional clarification to the geographic scope of the Snake River Temperature WQMP. As written, it is unclear if the WQMP requires Designated Management Agencies to address thermal loading from large tributaries originating outside the geographic scope of the TMDL, such as the Burnt River.

If you have any questions regarding these comments, please contact Katie Beauto, kbeauto@blm.gov or 541-523-1466.

Sincerely,



Sarah Sherman
Field Manager
Baker Field Office

Comment 2: Washington Department of Ecology

Table 4-2 (temp criteria table) in the draft TMDL doc on the rulemaking website does not have the updated WA criteria correct but the table that Ryan shared today during the presentation had the correct WA criteria on it (20.0 DM). Suggest updating table 4-2 with updated criteria info.

I would remove the reference to the 0.3C and 1.1C and just list the 20C daily max. The last time we talked with our standards folks the 1.1C is no longer applicable and the 0.3 would only apply to WA sources and not upstream sources.

And in regards to section 4.3 I think the language should reflect the above updates.

Robbie O'Donnell (he/him)

Large Scale TMDL Lead

Watershed Planning Unit | Water Quality Program

DEPARTMENT OF ECOLOGY State of Washington

Work: (564) 250-0850

Comment 3: Baker County

Baker County – Powder River Arm of the Brownlee Reservoir

Snake River TMDL RAC Fiscal Impact Analysis Feedback

Feb. 18, 2026

Will the draft rule have a significant adverse impact on small businesses?
The effects of the water level fluctuations (WLF) already have a huge impact on local small businesses. The significant WLF of over 50 feet, at least twice a year, has caused businesses in Richland to close and have reduced the number of campers and boaters at the County's Hewitt and Holcomb Parks.

Once an excellent warm-water fishery for crappie, the Powder River Arm (PRA) no longer has the number, or size, of crappie that it had as recently as the early 2000's due to the drawdowns interfering with spawning, nesting, and rearing. Other fish species, including large and small mouth bass and perch, have also seen a decline. In addition, during the summer months, low water and hot temperatures cause the PRA to explode with blue/green algae and suffer severe water quality concerns, further limiting water use.

Because Brownlee Reservoir is considered a flood-control waterway and is part of the HCC FERC, it is difficult to see where the TMDL rules will cause any change in dam management. Though, it is hoped that understanding and acknowledging that the WLF impacts the ecosystem and communities, a better communicated WLF plan could be achieved. A partnership that worked together to minimize environmental, biological, and fiscal impacts would be welcome.

However, there will be positive impacts should the WLF be better regulated to provide for aquatic organisms' life cycle, rather than based on flood control/electricity generating concerns. A better fishery equals a better economy for the rural communities and businesses that rely on the reservoir to draw in people. Too, other water quality concerns, including the pervasive blue/green algae would be lessened by leaving the reservoir level at a more static level.

If a significant impact is identified, how could DEQ reduce the fiscal impact on small businesses?
By requiring Army Corps and Idaho Power to adhere to the temperature standards and reduce the WLF, the reservoir ecosystem would improve. This includes the ability of the riverbanks to support vegetation, aquatic species' life cycles, and overall improvement of water quality.

Will the proposed rule impact racial equity?
No.

What are additional considerations for environmental justice for this draft rule?
This rule should help to ensure that environmental solutions benefit everyone.

What types of entities will be impacted by the proposed rule?
State, federal, local governments, Idaho Power, and private property, the ag producers, and businesses adjacent to, or providing services, on the river will be impacted by this rule.

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

As the implemented rule begins to benefit the river, positive fiscal improvements should be obtained. In the interim, there are going to be negative fiscal impacts due to cost and limited management strategies that are possible (fiscally and physically).

As land managers, state, federal and local governments will be the driving force in implementing the management strategies. The cost will vary considerably due to variability of river segments, landscapes, strategies put in place, and other contributing factors. Due to the sheer number of miles of river to be treated, it's going to be difficult in determining a legitimate cost estimate.

For example, on the PRA alone, there are federal and local government land managers, private landowners, and the communities of Richland and Halfway that will have limited management strategy options due to the WLF. This may reduce the fiscal impact of the rule.

Businesses adjacent to or providing services based on river usage may also be directly or indirectly impacted. This includes campgrounds and recreational facilities, fishing and site-seeing services, and the multitude of indirect businesses that supply fuel, food, goods and services.

Baker County will be fiscally impacted will incur costs related to implementing temperature related management strategies, administrative costs for development of the TMDL Plan and reporting.

Comment 4: Idaho Power Company

Feb. 19, 2026

Sent via Email: Amanda.ondrick@deq.oregon.gov

Amanda Ondrick
Department of Environmental Quality
Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, Oregon 97701

Re: Comments of Idaho Power Company on draft Snake River Temperature Total Maximum Daily Load dated February 4, 2026

Dear Ms. Ondrick:

Thank you for the opportunity given Idaho Power Company (Idaho Power) to comment on the draft Snake River Temperature Total Maximum Daily Load (TMDL). Idaho Power appreciates all the work Oregon Department of Environmental Quality (DEQ) has put into this draft, but Idaho Power believes it still misses the mark.

The TMDL is using the wrong standard.

When controls on thermal discharges are not stringent enough to assure protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife, the Clean Water Act (CWA) requires each state to estimate the total maximum daily thermal load required to "assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife (BIP)" 33 USC § 1313(d)(1)(D). By contrast, each state must establish the total maximum daily load for other pollutants at a level necessary to implement "the applicable water quality standards." Id.

The draft TMDL is, contrary to 33 USC § 1313(d)(1)(D), based on the thermal load needed to attain an applicable numeric temperature criterion rather than the thermal load required to assure a BIP. Moreover, absent an evaluation of the thermal load required to assure a BIP in this portion of the Snake River, the TMDL cannot simply assume that the thermal load needed to support BIP is the same as the thermal load needed to attain the numeric temperature criteria.

There are also substantial reasons to believe in this instance that thermal load required to assure a BIP in the Snake River is not the same as that needed to attain the numeric temperature criteria. In a letter to DEQ and the Idaho Department of Environmental Quality dated January 27, 2011, the National Marine Fisheries Service (NMFS) states, "It is NMFS' view that the current water temperature regime downstream from Hells Canyon Dam is more beneficial to [Snake River] fall Chinook than the natural regime, primarily due to warmer fall and winter water temperatures that accelerate fry emergence." This conclusion is also supported by decades of Idaho Power and agency analysis of temperature requirements in the Snake River.

Given this information and the requirements of the Clean Water Act, Idaho Power urges DEQ to establish a thermal TMDL for the Snake River based on the thermal load required to assure a BIP, rather than basing the TMDL on the numeric temperature criteria.

The TMDL makes the Hells Canyon Complex responsible for temperature increases caused by background conditions.

By setting the surrogate measure below Oregon's numeric water quality standards, it is clear the Hells Canyon Complex (HCC) is being made responsible for other sources. It is Idaho Power's understanding that the surrogate measure for the HCC was based upon a target at the tri-state border of Oregon, Washington, and Idaho rather than at the outflow of the HCC. By arbitrarily setting the target many miles downstream of the HCC, the TMDL is making the HCC responsible for temperature increases downstream of the HCC not caused by the HCC.

The TMDL is also making the HCC responsible for temperature increases upstream of the HCC not caused by the HCC. The HCC does not add any significant heat to the Snake River. Rather the HCC captures excess thermal loads from upstream sources and then releases it later, creating a shift in when the excess thermal load is transmitted downstream. If the water entering the HCC met Oregon water quality standards, then the HCC's impact on exceedance of temperature criteria in the Snake River would be significantly less. For example, Table 7-2 in the TMDL contains a row for dams and reservoirs that incorrectly implies the warming is due to only dam and reservoir operations rather than the appropriate description as shown in Figure 4-10 of Appendix C as "due to impacts of anthropogenic sources" and not only "dams and reservoirs". IPC suggests editing the description in Table 7-2, and other locations where appropriate, to change "dam and reservoir operations" to "cumulative effects of upstream warming including dams and reservoirs".

The surrogate measure temperature target needs to be revised.

Application of the 13° 7DADM criteria to the spawning period was contemplated as part of the HCC 401 certification, wherein it was established that the spawning period 7DADM apply from Oct 29 – April 15, such that the calculated 7DADM includes temperatures beginning on Oct 23. To comply with the correct standard in the Clean Water Act and not make the HCC responsible for temperature increases upstream or downstream of the HCC, at a minimum the surrogate measure temperature target should be amended to read as follows:

The calculated 7DADM temperatures released from Hells Canyon Dam, after accounting for and excluding from the Hells Canyon Complex's responsibility any heat load in excess of the applicable temperature criteria flowing into the Hells Canyon Complex, shall be less than or equal to:

a) The flow weighted 7DADM no dam temperature + 0.14 °C, or

b) The applicable seasonal 7DADM temperatures in I or II:

I. 13.0 °C from Oct 29 – Apr 15 when the value from a) is less than 13.0 °C;

II. 20.0 °C from Apr 16 – Oct 28 when the value from a) is less than 20.0 °C;

Idaho Power appreciates this opportunity to provide written comments on the TMDL and the advisory committee's interest in receiving input from committee members. Respectfully submitted,

NFG:sh

Comment 5: Oregon Department of Agriculture

ODA Comments for RAC1 of DEQs temperature replacement TMDL Project for the Snake River TMDL

WQMP

General

The geographic scope of the Snake River Temperature Replacement TMDL was not clearly defined in the draft WQMP. RAC members (and DMAs) need to have a clear understanding of this to be able to review and provide meaningful input for all aspects of the WQMP. Particularly so the DMA can identify where this TMDL applies so the DMA can then assess likely sources under the jurisdiction of that DMA so that they can then make recommendations on effective strategies and management actions to address those sources to help meet the goal reducing excess pollutant loads and meet TMDL allocations.

Here is an example of a question's ODA has received in regard to proposed WQMP that first needs a clear understanding of the geographic scope if this WQMP: Who determines the level of adequate shade and riparian status? Objective or subjective? By what guidelines? This seems to greatly depend on whether tributaries are included. If tributaries are not included, this seems moot.

Management strategies table 1:

Increasing shade along the mainstem Snake River is unlikely to result in measurable reductions in stream temperature due to the size and volume of the river. Intact riparian vegetation along the Snake River can provide benefits like sediment reduction and bank stability, but temperature-related benefits would likely be limited. Consider revising this strategy to emphasize increasing shade and riparian function along tributaries, where riparian restoration is more likely to result in meaningful temperature improvements.

Table 3:

Please clarify whether "Reduction of riparian areas" is intended. This appears inconsistent , should this read "reduction of impacts to riparian areas" or "restoration of riparian areas"?

Section 6.1:

Section 6.1 states that DEQ is requiring ODA, BLM, and USFS to undertake monitoring actions within their jurisdictions and encourages agencies to evaluate existing temperature monitoring networks and explore opportunities for future long-term monitoring. Do we need to clarify if existing monitoring efforts conducted by SWCDs and Watershed Councils will fit into these requirements?

Comments specific to sections and/or language of the WQMP

In reference to WQMP Section 2.3, second paragraph

- This does not describe the problem. The problem is lack of stream side vegetation and bare ground. It could be caused by routine, heavy livestock use of the area. But 'uncontrolled livestock access' does mean that a lack of vegetation or baregroud will occur. Thus it confusing and misleading terminology to describe a concern with lack of riparian vegetation.
- Is this occurring in the Snake River? 'Shallow stream' areas? (Geographic scope of this WQMP?)

In reference to WQMP Table 1, strategy 1

- Additional elements in determining cost effectiveness of increasing riparian vegetation at a site for site effective shade include: stream aspect, stream width, % effective shade on stream.

In reference to WQMP Table 1, strategy 2-4

- Do this where? On the mainstream Snake River? On the tribs? Both?

In reference to WQMP Section 2.6 – water quality trading

- Is this occurring in the Snake River basin?

In reference to WQMP Section 4.2, paragraph 4

- Does data show that we have made improvements and are now 1/3 closer to attainment? How far have we actually made it in the past 20+ years would be very informative as to whether the original schedule 50-70 years continues to be valid.

In reference to WQMP Table 2

- Add the word “private” to describe ODA’s area of jurisdiction - because ODA does not have jurisdiction over federal agricultural lands

In reference to WQMP Figure 2

- Considering figure 2 shows land management acres under each DMAs jurisdiction, this indicates that there is a clearly defined geographic area associated with this TMDL. However, the geographic scope has not been clearly defined in this WQMP. ODA recommends DEQ clearly define the geographic scope at the beginning of the WQMP in Section 1, Introduction or Section 1.1, Condition assessment and problem description; by describing and also by providing a map as Figure 1 of the WQMP.

In reference to WQMP Section *5.1.1.1 Oregon Department of Agriculture*

- Does this temperature replacement TMDL follow the same geographic boundaries as shown in Figure A of the 2004 Snake River - Hells Canyon TMDL? IF yes, include the map in this WQMP document. If no, add a map that shows the geographic boundaries.
- This is inconsistent with the 2023 DEQ-ODA MOA

In reference to WQMP Table 3

- Has an assessment been done to evaluate the potential agricultural sources? I don’t think so… but an assessment should be done first, then strategies developed per the findings of the assessment.
- Is crop farming not a source for lack of riparian vegetation?
- Is it common that cattle access the Snake River for drinking water? (Seems like a pretty large sized river system which likely makes it tricky and dangerous to have cattle accessing it for drinking water.)

In reference to WQMP Section 5.2.2 *Oregon Department of Agriculture: Adequacy of agricultural water quality management programs in attaining TMDL load allocations and water quality standards*

- In reference to paragraph 4- How has this been determined? What process was used to determine inconsistency or a demonstration that the existing plans and rules can not bridge the gap?
- In reference to paragraph 5- This is not part of the MOA. The MOA does not state the DEQ gets to make a conclusion of what process ODA will use to address the TMDL.
- In reference to paragraph 5- This is not consistent with the MOA or with communications that ODA leadership has had with DEQ leadership. ODA leadership has communicated that we want language to be consistent with the MOA. We also have communicated that the language stating that OCA is required to develop a TMDL implementation plan is not consistent with existing OARs or the MOA. Consistent with the MOA, ODA has agreed to either update Area Plans or develop Implementation Plans in response to the TMDL.

FIS

There are a lot of "Unknown costs" in this document that we challenge as inadequate.

"In addition, DEQ is proposing to require ODA to participate in stream monitoring as part of the Monitoring Strategy described in the WQMP. It is unknown what those costs will be at this time." What DEQ is going to deem adequate for monitoring. Will existing monitoring be sufficient? Or does DEQ expect ODA to spend money and resources to get additional monitoring going? ODA is not a monitoring agency. However, some of ODA partners do implement monitoring. But others do not. Additionally, ODA partners who do implement monitoring typically must seek support and funding outside of their organization to conduct monitoring. This is one example of the vast depth of unknown costs associated with this TMDL.

For this sentence "ODA state statutes and rules are a mix of existing regulatory programs and voluntary measures used for implementation to improve or protect water quality and land conditions on agricultural lands or related to agricultural activities. ODA does this work in partnership with local Soil Water Conservation Districts and Local Advisory Committees."

ODA recommends removing Local Advisory Committees because they are solely an advisory role.

General Comments on TMDL RAC Process

Inadequate time to review the breadth of material. The quantity of the material to become familiar with is likely beyond the time resources most RAC members have available to be able to provide comprehensive and meaningful feedback.

The engagement thus far has primarily been one directional to provide overview information rather than a dynamic and active manner that facilitates meaningful collaboration with all parties affected by this TMDL. Active engagement and collaboration are more likely to lead to successful implementation of this TMDL and its associated WQMP.

There is concern amongst both conservation and agricultural community that temperature standards are likely not achievable, which sets everyone up to fail. Additionally many question if the small gain that may occur from massive amounts of resource input is best use of time, resources, and funds.

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