

Temperature Total Maximum Daily Loads Replacement Project: Rogue River Basin

Advisory Committee Meeting #1 Summary

Date: Feb. 26, 2026, 10 a.m. to 12 p.m. PST

Location: Rogue Valley Council of Governments (Central Point) and virtual meeting (Zoom)

The video recording of this meeting is available from the Oregon Department of Environmental Quality upon request. Email RogueRiver.TemperatureTMDL@DEQ.oregon.gov with your request for the video.

List of attendees

Rule advisory committee members

Name	Affiliation	Present
Alena Beltz	City of Medford	Present
Arlo Todd	Medford Water Commission	Present
Brian Hampson	Rogue River Valley Irrigation District	Present
Dawn Cox	Jackson County Development Services	Present
Elizabeth Pietrzak	Oregon Department of Agriculture	Present
Frank Drake	Oregon Department of Fish and Wildlife	Present
Greg Stabach	Rogue Valley Council of Governments	Present
Johnny Leavy	City of Medford	Present
Matt Martin	U.S. Forest Service	Present
Norm Buccola	U.S. Army Corps of Engineers	Present
Paul DeMaggio	Jackson Soil and Water Conservation District	Present
Scott Fluery	City of Ashland	Present
Shavon Haynes	Jackson County Watermaster	Present
Shawn Simpson	Bureau of Land Management	Present
Sydney Wilkins	Klamath-Siskiyou Wildlands Center for Rogue Riverkeeper	Present
Tyler Ernst	Oregon Forest Industries Council	Present
Wade Elliott	City of Grants Pass	Present

DEQ staff

David Fairbairn, Rob Burkhart, Bill Meyers, Sarah Norpchen, Steve Mrazik, Heather Tugaw, Ryan Michie

EPA staff

Rebecca Veiga Nascimento

Agenda

Time	Topic
10 a.m.	Welcome, introductions, meeting agenda
10:10 a.m.	Rule Advisory Committee Charter review
10:20 a.m.	Draft Total Maximum Daily Load
10:50 a.m.	Draft Water Quality Management Plan
11:20 a.m.	Draft Administrative Rule language
11:30 a.m.	Draft Fiscal and Economic Impact Statement
11:50 a.m.	Wrap up, next steps
12 p.m.	Adjourn meeting

Meeting summary

Sarah Norpchen, DEQ: Sarah started the meeting with staff introductions, followed by a review of meeting logistics and ground rules. She then reviewed the agenda covering meeting materials that DEQ posted on Feb. 12, 2026, in advance of the meeting and discussed the rule advisory committee charter. Next, she performed a roll call of rule advisory committee members. The names of three members were not called in error. However, all three members were confirmed present via in-person sign-in sheets and the Zoom meeting participant list. Sarah continued with the project history, geographic scope, and schedule.

Rob Burkhardt, DEQ: Rob summarized technical elements of the TMDL. He explained a TMDL, steps in the TMDL development process, and required elements. He then reviewed the extent of the Rogue River Basin project area and the scope of the TMDL. He provided an explanation of how DEQ subdivides basins for assessment and TMDL development and showed an example of subbasin assessment units. Rob then summarized the numeric temperature criteria that now apply in Oregon. Seasonal variation was highlighted as a key TMDL element. The draft TMDL identifies 17 individual NPDES permits, with 15 facilities given wasteload allocations. Under three types of general NPDES permits, nine registrants are given wasteload allocations or requirements. Rob summarized the nonpoint sources and background sources identified in the draft TMDL. 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.

Alena Beltz, City of Medford: A description of where the assessment unit is located is not in the TMDL document. It would be helpful if the location of the AU was described and to list the AU that is associated with a point source discharge permit in Table 9-6 in the TMDL document.

Rob Burkhardt, DEQ: The Technical Support Document will have a table that describes AUs. DEQ will also work on listing AUs for point sources in the TSD. The TSD will be available at least two weeks in advance of the second meeting.

Sarah Norpchen, DEQ: Sarah read aloud a question from Norm Buccola with USACE in the chat: DEQ's Temperature TMDL Replacement Project web page shows older years associated with existing TMDLs. Are these draft TMDLs from 2008?

Rob Burkhardt, DEQ: There are existing temperature TMDLs dated back to 1999, and each is mentioned in Table 1-1 of the draft TMDL. The existing temperature TMDLs will be replaced by this temperature TMDL. The existing TMDLs for the other pollutants or parameters will remain.

Johnny Leavy, City of Medford: In the TSD document, can the AU for impacted point sources, nonpoint sources, or DMAs be listed so it is clear what AU they are in?

David Fairbairn, DEQ: David acknowledged this as a good request. He described how to use the interactive map online to see this information and DEQ will look at putting the information into tabular form, as well.

David Fairbairn, DEQ: David presented a summary of the analytical components of the TMDL development, starting with the analytical approach and a description of loading capacity, excess loading/load reductions, and human use allowance. David then reviewed model scenarios used to understand source categories and inform allocations. He presented model scenario comparisons to understand how the scenarios assist DEQ's analysis. He then described how DEQ estimated the current contributions from various sources and calculated allocations to human sources. The presentation included reviews of the wasteload allocation equation and resulting wasteload allocations for select point sources. David provided a model scenario comparison of the No Point Source and proposed WLAs scenarios to demonstrate the reduction of overall warming in the Rogue River. He then presented how implementation of proposed allocations for point source and nonpoint sources will not exceed the total HUA. A model scenario comparison of the HUA attainment scenario compared to background loading was provided. Lastly, David discussed the allocation summary for an example AU.

Alena Beltz, City of Medford: Why is there only one assigned HUA for the individual point sources in one table when there are spawning and non-spawning times that have different HUAs assigned in a different table?

David Fairbairn, DEQ: This is a result of how DEQ completed the analysis and the pacing of the project. DEQ has received feedback that we should consider splitting individually assigned HUAs into two different allocations based on spawning versus non-spawning. DEQ plans to look at this but was unable to complete the additional modeling required in advance of this meeting.

Alena Beltz, City of Medford: Is there additional explanation for selecting the reserve capacity amount? My understanding is that the reserve capacity amount increased but I didn't see how that was decided in the draft TMDL document.

David Fairbairn, DEQ: This will be addressed in TSD Appendix A. DEQ generally starts with an assumed value of 0.05 degrees Celsius for RC. If there is not that much warming of the river, DEQ will increase the RC. If there is too much warming, then DEQ considers decreasing the RC. Some AUs in the draft TMDL have RC values of less than 0.05 degrees Celsius to accommodate all of the assigned HUAs. If a new point source is added on a tributary within an AU, it would require an NPDES permit and DEQ would consider assigning its WLA by reducing the RC. This approach allows DEQ to maximize assigned HUAs for the mainstem.

Rob Burkhart, DEQ: DEQ is looking for feedback from the RAC on this. Rob also shared his experience in point source permitting related to this.

Johnny Leavy, City of Medford: It would be helpful if the TMDL document explains that issue, because it is hard to tell from the TMDL, as currently written, how those determinations or assumptions were made. The assigned HUAs for each AU are also not well discussed or defined in the TMDL document. The presentation covered this but it would be helpful to include a narrative in the TMDL document.

Norm Buccola, USACE: Lost Creek Dam is assigned a 0 degrees Celsius HUA. The dam's operation is congressionally authorized in House Document 566 to coordinate and release conservation season releases (flow and temperature) with the State of Oregon. USACE works with ODFW/OWRD, who requests when conservation storage water is released for fish. If there is going to be an assigned HUA for that thermal load throughout the year, would that augment how ODFW/OWRD receives its water, or will DEQ work with ODFW/OWRD on how they will comply with the TMDL? USACE uses selective withdrawal when releasing warmer water in the spring and summer to meet the allocations requested by ODFW/OWRD which encourages fish migration, thereby reducing thermal load in the fall.

Bill Meyers, DEQ: Bill referred Norm to Section 10.2 of the draft Water Quality Management Plan, where it is acknowledged that current operational requirements of all large dams in the basin will be evaluated to determine if they can serve as an implementation plan. Bill also said more about this will be discussed in his presentation on the draft WQMP.

Paul DeMaggio, Jackson SWCD: Paul was concerned that there is too much weight put on shade in the nonpoint source discussion and not enough analysis on flood irrigation tailwater. Other adjacent, similar watersheds identify tailwater return flows as a main source of heat pollution in their streams. He would like to see tailwater mentioned, especially for tributaries like Little Butte Creek and rural areas.

Bill Meyers, DEQ: Bill referred Paul to Table 2 of the draft WQMP to review and provide recommendations for completeness. Bill also mentioned the section in the WQMP about irrigation districts.

Wade Elliott, City of Grants Pass: Wade emphasized the request for more discussion or a clear description of what allocations account for the point sources. For example, it is hard to tell how a generic HUA is distributed across all point sources. A description of how DEQ determined the amount and sources of anthropogenic warming would also be helpful.

Rob Burkhart, DEQ: Rob acknowledged this as a good request.

Sydney Wilkins, KS Wild for Rogue Riverkeepers: Is there a data summary of water temperature reductions from the 2008 TMDL and how they might be improved by the replacement TMDL?

Bill Meyers, DEQ: Bill suggested coming back to this question after the meeting and discussing the status and trends monitoring for the basin. He mentioned the Oregon Water Quality Index to get a high-level overview of this. Bill then started a presentation of the WQMP, starting with a summary of its purpose and required components. He defined the terms “responsible persons” and “Designated Management Agencies”. The WQMP names responsible persons, including DMAs, as responsible for TMDL implementation. He reviewed the rationale for naming responsible persons and which persons must prepare implementation plans. Bill then summarized requirements for implementation plans. Next, he reviewed priority management strategies to address TMDL pollutants and load allocations including those for riparian vegetation, water withdrawals and flow alteration, channel modification, and dam and reservoir operations. Climate change is a contributing factor which, along with local conditions and natural disturbances, may impact the pace of attainment. Bill reviewed additional assessments required to prioritize areas for restoration and protection, including the streamside evaluation and shade gap analysis. All responsible persons required to prepare implementation plans must perform a streamside evaluation. Oregon Department of Agriculture, Oregon Department of Forestry, Bureau of Land Management, and U.S. Forest Service are required to complete shade gap analysis. Six large dams and reservoirs in the basin will need to submit temperature assessment and monitoring plans. Bill then summarized timelines and benchmarks that will guide implementation by responsible persons, as well as reporting requirements and DEQ’s role in monitoring implementation. He asked if the criteria for who is a DMA and who is required to develop an implementation plan is clear, if there are additional management strategies that should be added to the WQMP, if timelines and requirements are clear, and is there information that would make tracking implementation more efficient.

Alena Beltz, City of Medford: We are in an urban area where restoration of native vegetation is not the option for us to increase shade. There should be different management strategies for increasing shade in urban areas versus non-urban areas. For subdivisions that are adjacent to creeks in town, the City’s goal would be to incentivize landowners to plant whatever tree is going to shade the creek and easily increase shade. It seems that native versus non-native vegetation in existing urban shaded areas shouldn’t matter.

Bill Meyers, DEQ: Barriers like current development that would impair any kind of restoration are acknowledged in the WQMP. Over time, a goal would be to have these barriers removed as land use or maintenance changes are implemented. Bill recommended City incentivize programs and provide technical assistance to currently developed areas but have goals for future development or when maintenance occurs to allow for native vegetation. The City could also prioritize outreach to landowners on streams that have the ability to be restored.

Brian Hampson, Rogue River Valley Irrigation District: Agate Lake is on the list of dams and reservoirs that are required to do monitoring and assessment. It should be removed because Agate Lake is under 5,000 acre-feet at its capacity.

Bill Meyers, DEQ: DEQ had a hard time getting data on Agate Lake’s active storage and discharge during the summer critical period. Bill suggested coming back to this comment after the meeting.

Shawn Simpson, BLM: BLM sees the treatment of intermittent streams differently from DEQ. It seems like intermittent streams don’t really contribute much to the thermal load because they aren’t flowing during the summer when heating occurs. Their contributions to thermal loading seem over emphasized. BLM lands have also had LIDAR updates that have improved district mapping and our mapping is better than what has been described. Do the TMDL shade targets consider site productivity or the capability of the site, or are they more general? For example, the photo of Rough and Ready Creek shows about how good conditions could ever be. Are sites like the one in that photo mapped?

David Fairbairn, DEQ: It depends on the water body. Some of those sites in the Heat Source models are mapped on the Rogue mainstem. For the effective shade curves, it is more general: they show what region it is in and what is generally attainable for that region.

Bill Meyers, DEQ: Slide 53 does not show the Illinois as having shade gap analysis completed. Anywhere outside of where shade gap analysis is available, shade curves based on ecoregion are used but they don't consider substrate or bedrock banks, for example. Bill suggested coming back to Shawn's comments after the meeting due to time constraints and mentioned that DEQ has had a similar discussion with USFS.

Sydney Wilkins, KS Wild for Rogue Riverkeeper: How do these management strategies intersect with Federal Emergency Management Agency and National Flood Insurance Program requirements?

Bill Meyers, DEQ: Bill suggested coming back to this question after the meeting so he can refer to how this has been handled previously.

Sydney Wilkins, KS Wild for Rogue Riverkeeper: What enforcement mechanisms are in place for DEQ to hold all of the DMAs accountable (e.g., when shade is removed or timelines aren't met)? With agencies who are critical to achieving these allocations, like BLM and USFS who manage over half of the streamside in the Rogue basin, is there a different enforcement mechanism? Lastly, as a comment, a Resource Management Plan revision was just announced for the BLM of Southern Oregon. Will DEQ be involved in the planning?

Bill Meyers, DEQ: DEQ has enforcement authority through rule language. DEQ reviews implementation on an annual basis through required reporting by DMAs. Enforcement may include monetary penalties associated with TMDL noncompliance. The same enforcement rules apply to DMAs like BLM and USFS.

Greg Stabach, RVCOG: Is there more detail on how the 10% cumulative shade gain per decade goal is broken down? This goal could be met faster depending on the waterway. Is the goal weighted across AUs?

Bill Meyers, DEQ: The 10% goal is a guideline for what we're trying to achieve and that is going to vary by waterway. The expectation is that the Rogue mainstem will be addressed through shade improvements on waterways and their tributaries.

Greg Stabach, RVCOG: How are efforts to invest in shade improvements outside of a DMA's jurisdiction recognized? For example, a DMA invests resources to improve shade in another jurisdiction because there would be a greater impact there.

Bill Meyers, DEQ: Collaboration is encouraged and can be identified in implementation plans. DMAs should prioritize where to start focusing efforts, what they will do, and how long it will take.

Sarah Norpchen, DEQ: Sarah reviewed draft rule language and provided background on the fiscal, economic, and racial equity impacts review. Because extra time was allotted for questions on the TMDL and WQMP, RAC feedback on the fiscal impact analysis was postponed to the second RAC meeting in May. Sarah introduced the following questions for discussion at the second RAC meeting:

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

Sarah then summarized next steps and upcoming project milestones and gave instructions for submitting feedback.

Arlo Todd, Medford Water Commission: If a dam and reservoir can demonstrate that there is no increase between the inlet temperature and outlet temperature during critical periods, will there still be a modeling requirement for free flow analysis?

Bill Meyers, DEQ: No. The rationale for that requirement is to collect data and know what the impacts are from large reservoirs. If the data are already available, then the DMA could discuss them with DEQ.

Frank Drake, ODFW: Interested in follow up regarding Oregon Watershed Enhancement Board funding supporting implementation. Additionally, if USFS and BLM are required to make revisions, will they need to re-

consult with National Marine Fisheries Service or U.S. Fish and Wildlife Service on any of their programmatic that they use for restoration, such as Aquatic Restoration Biological Opinion?

Bill Meyers, DEQ: It will depend on conversations DEQ has with USFS and BLM and how they will need to comply with their requirements. Bill confirmed that OWEB funding can be used for restoration projects identified in a TMDL, provided there are no enforcement actions against the property owner.

Johnny Leavy, City of Medford: Please share the TSD as soon as possible, there is likely a lot of information there that will inform the fiscal impact.

Rob Burkhart, DEQ: Rob acknowledged the emphasis of the request.

Sarah Norpchen, DEQ: Closed the meeting. Meeting adjourned at 11:58 a.m.

Additional comments from non-RAC members in chat:

Melissa Gunter: Is there a way to find or a database or map that indicates the enrollees under the General NPDES permits?

Rob Annear: What time period of data was used to develop the 7Q10?

Rob Annear: In the previous TMDL meeting on Feb 12th it was mentioned the 2008 TMDL had a scenario with no dams, and that scenario became the starting point for this TMDL since the dams have been removed. Was the hydrodynamic and water temperature calibration checked with the dams removed? Is this documented in the TSD?

Rob Annear: Is there a report or other document that provides the literature used to develop the temperature standards for the Rogue River basin to protect salmonids?

Raj Kapur: There was a question earlier about trends since 2008. What sort of progress does data show?

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