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 the Snake River temperature TMDL replacement RAC Meeting 2. Meeting materials were posted on April 7, 2026, and the RAC convened on April 22, 2026. The comment period was open April 22 – May 11, 2026.

Original comments are on file with DEQ.

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Comment 1: Idaho Power Company

May 11, 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 April 22, 2026

Dear Ms. Ondrick:

Thank you for the continued opportunity for Idaho Power Company (Idaho Power) to comment on the April 22, 2026, draft Snake River Temperature Total Maximum Daily Load (TMDL). Idaho Power appreciated the recent presentation of the Tributary B Scenario results in the Rule Advisory Committee meeting #2 and the work the Oregon Department of Environmental Quality (DEQ) has put into this draft. Unfortunately, Idaho Power remains concerned with the use of a “surrogate measure” in the draft TMDL to implement the dam and reservoir load allocations.

The Tributary B Scenario results indicate that substantial thermal loading exceeding numeric criteria is entering the TMDL reach upstream of the Hells Canyon Complex (HCC); however, these thermal inputs are not adequately accounted for when evaluating the effects attributed specifically to the HCC.

DEQ’s treatment of temperature conditions in the Snake River-Hells Canyon (SR-HC) TMDL reach of the Snake River improperly accounts for the exceedance of criteria at the inflow to the HCC. The draft requires attainment of specific, numeric, surrogate temperature targets at the HCC outflow, while simultaneously ignoring the effects of this large inflow thermal load exceedance. Evaluation of HCC-related effects on numeric criteria, or surrogate targets, should be conducted under the assumption that inflowing water is compliant.

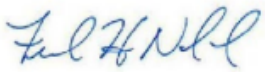
The HCC is not a heat source, rather, it receives and seasonally redistributes incoming thermal loads. The draft does not isolate the effect the HCC has on meeting the numeric criteria, or surrogate targets. Idaho Power acknowledges that DEQ attempts to address this issue by stating that HCC outflows cannot exceed “Background” inflowing temperatures on a day-to- day basis, thereby ensuring “dam operators are only responsible for temperature increases caused by the dam and reservoir operations.” However, this approach ignores the fact that inflows that were non-compliant weeks or even months earlier can contribute to a portion of outflow temperature exceedances weeks or even months later. There is no attempt to separate these effects in the draft TMDL. The draft TMDL essentially seeks to “reset” a highly impacted system at the HCC while leaving substantial upstream thermal load unaddressed. As outlined in the 2004 SR-HC TMDL approved by the EPA on September 9, 2004, effects to upstream temperature that are included in “Background” include:

- Snake River Basin flow alteration
- Diversions within the reach
- Reservoir Storage upstream
- Loss of riparian habitat within and upstream of the reach
- Diking and stream alterations within and upstream of the reach

DEQ categorizes this thermal load, that exceeds criteria, as “Background” and states it cannot be addressed. Consequently, downstream temperature conditions are not solely the result of dam and reservoir operations but reflect the cumulative effects of upstream thermal inputs combined with any effects of the HCC. Idaho Power requests that DEQ account for in the final TMDL that temperature exceedances observed at the HCC outflow reflect the cumulative effects of reservoir processes and upstream inflows that enter the HCC in a non-compliant condition, rather than attributing these exceedances solely to HCC operations.

Idaho Power appreciates this opportunity to provide written comments to DEQ on the TMDL and the Rule Advisory Committee’s interest in receiving input from committee members.

Sincerely,



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Comment 2: Oregon Department of Agriculture

ODA Comments for RAC2 of DEQs temperature replacement TMDL Project for the Snake River TMDL WQMP

General comments related to geographic scope:

ODA RAC1 comment regarding geographic scope: some changes were made which may have been done in response to this comment. ODA finds that the geographic scope remains ambiguous in both the WQMP and the TMDL. However, per ODAs email request, DEQ provided a map that clearly outlines the boundaries. ODA recommends clearly defining the boundary by including a map as well as stating the 12-digit HUCs included in the geographic scope of this TMDL.

Unfortunately, the following new language written in section 2.1 continues to make the geographic scope unclear: “This management strategy is applicable to both the Snake River and upstream tributaries.” Are these tributaries included in the map DEQ emailed to ODA and the 4,685 acres DEQ identified are under ODA jurisdiction? If not, which tributaries, how far up each tributary, and what width on each side of the tributary?

The following ODA RAC1 comment remains. It is also affected by the defined geographic scope of the TMDL: 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.”

Comments to Specific WQMP Sections:

Section 2.3 needed revision remains:
“Altering channel morphology can impact stream temperature (Galli and Dubose, 1990). For example, streams with high width to depth ratios (i.e., wide, shallow streams) can allow solar radiation to increase stream temperature compared to channels that are narrow and deep (Larson and Larson, 1996). Activities that **decrease streamside vegetation and cause bareground** make streams more prone to bank erosion **and**, ~~such as uncontrolled livestock access~~, can also result in…”

Section 4.2 question remains:
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.

Section 5.1.1.1 RAC 1 comment was not addressed, revision added in track changes for RAC 2 comments:
The Oregon Department of Agriculture (ODA) regulates agricultural activities on private lands that can affect water quality in Oregon surface waters. ODA has jurisdiction over 4685 acres of private agricultural lands in the Snake River Basin. In addition to ODA’s implementation of the Oregon Agricultural Water Quality program (Area Rules and Area Plans for the Powder/Brownlee, Burnt, Wallowa, Malheur, and Owyhee), DEQ ~~expects~~ **requests** ODA to submit a TMDL implementation plan for the Snake River. The implementation plan must

include the required elements described in Section 5.3 and be submitted according to the schedule in Section 5.4. The plan may include management strategies from Tables 1 and 3, and others selected by ODA for TMDL implementation. Strategies or timelines selected as alternative to those presented in Table 3 must be documented in the implementation plan. Management strategies and practices to address gaps in pollution controls or prevention must be documented in revisions to the Area Rules or Area Plan as needed.

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

- This is inconsistent with the 2023 DEQ-ODA MOA

Table 3 unaddressed comments and requested revisions:

1. Revise title for Table 3 as follows: "~~ODA~~ **DEQs suggested** management strategies for **ODA** TMDL Implementation."
2. Another comment not addressed, revision in track changes added for RAC 2 comments: "Table 3, 1st column, 4th row: "~~Reduction of~~ **Impacts from ag activities** to riparian areas"

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.

ODA RAC 1 Comments for Section 5.2.2 remains unaddressed, for ODA RAC 2 comments revisions to the WQMP language are shown below in track changes.

The Oregon Legislature passed the Agricultural Water Quality Management Act in 1993, which directed Oregon Department of Agriculture to adopt rules as necessary and to develop plans to prevent water pollution from agricultural activities (ORS 568.900 to 568.933 and ORS 561.191 and OAR chapter 603, divisions 90 and 95). Subsequently, ODA worked with Local Advisory Committees and Soil and Water Conservation Districts to develop Agricultural Water Quality Area Rules and Area Plans for 38 watershed-based management areas across the state.

The Snake River TMDL includes portions of five ODA Agricultural Water Quality Management Areas that each have an Area DEQ participates in ODA's Area Plan review process by providing water quality status and trends for each management area, as well as assessments of land conditions, agricultural activities, and implementation gaps that likely contribute to water quality impairments. **There are two geographic areas (Lower Snake Asotin and Hells Canyon) within this TMDL project scope that are not within any Agricultural Water Quality Management Areas.** The Area Plans for the five management areas included in this TMDL were reviewed by DEQ within the last two years, however not all reviews resulted in Area Plan revisions. Plan. ~~There are two geographic areas (Lower Snake Asotin and Hells Canyon) within this TMDL project scope where the Agricultural Water Quality Program does not apply.~~

Snake River TMDL project area waters continue to be identified as impaired on Oregon's Section 303(d) list for temperature in part due to **inadequate implementation of the protections provided in the Area Plans and Rules. As agreed, in the 2023 Memorandum of Agreement between DEQ and ODA, ODA will either adapt the Area Plan and Area Rules to act as the TMDL implementation plan or develop a separate TMDL implementation plan. The additional measures will subsequently be incorporated into Area Plans or Area Rules affected by the TMDL. The approach will be decided as part of the TMDL process. In the case of the Snake River Temperature Replacement TMDL, ODA will address this through the existing Agricultural Water Quality Management Area Plans and Rules.**

~~agriculturally influenced streamside areas. DEQ's assessments of Area Plans/Biennial Review Reports identified protecting, maintaining and establishing streamside vegetation and preventing runoff of agricultural wastes as high priorities to achieve TMDL load allocations. However, DEQ finds that ODA's Area Plans are inconsistent in planning or implementing activities to meet measurable goals related to 18 streamside conditions that will achieve TMDL water quality standards. ODA has not demonstrated that voluntary landowner implementation of Area Plans will bridge the gap between current conditions and what is needed to meet TMDL goals.~~

~~As agreed, in the 2023 Memorandum of Agreement between DEQ and ODA, ODA will either adapt the Area Plan and Area Rules to act as the TMDL implementation plan or develop a separate TMDL implementation plan. Which approach to take will be decided as part of the TMDL process. In the case of the Snake River TMDL, DEQ has concluded that current ODA WQ program Area Rules combined with implementation of Area Plan's voluntary measures are not adequate in all locations to achieve TMDL temperature water quality standards. Therefore, ODA is required to develop a TMDL implementation plan to be submitted to DEQ for review and approval. DEQ will assist ODA in developing an approvable TMDL implementation plan that includes appropriate measurable objectives and timelines to address identified water quality priorities and allocations (surrogate measures). In addition, DEQ will work with ODA to identify additional regulatory measures that could be implemented by rule revisions, incentive programs, and resources that may be available to help with program and project implementation to provide reasonable assurance of achieving TMDL targets.~~

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*

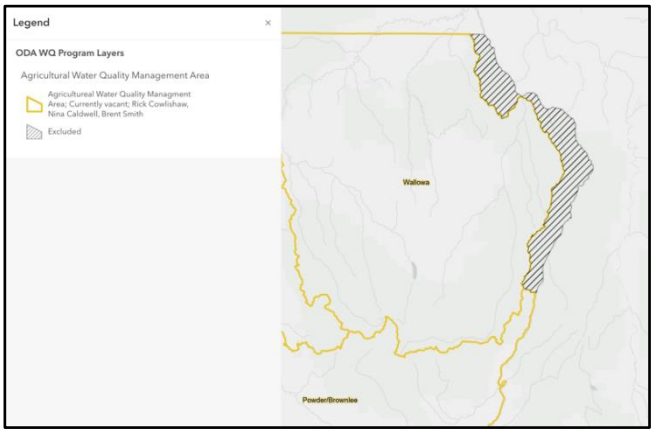
- In reference to paragraph 5- This is not part of the MOA. The MOA does not state the DEQ gets to make a conclusion of what process ODA will use to address the TMDL.
- In reference to paragraph 5- This is not consistent with the MOA or with communications that ODA leadership has had with DEQ leadership. 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.

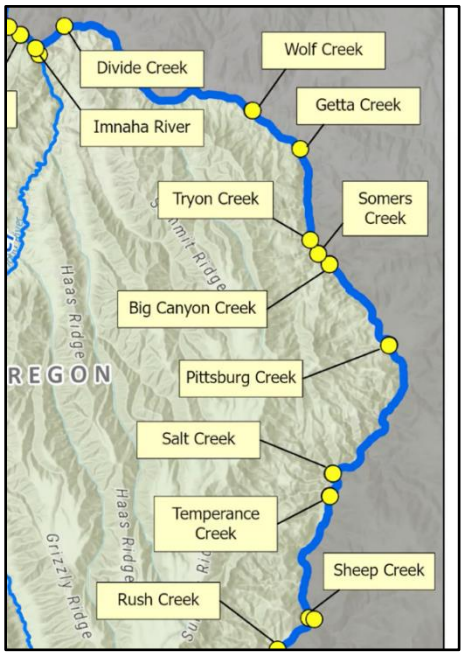
Section 6.1 requested revision remains: ODA respectfully requests DEQ make the following revision to Section 6.1, 2nd paragraph, 1st sentence where the WQMP states that "DEQ is ~~requiring~~ **recommends** ODA, BLM, and USFS to undertake monitoring actions…"

TMDL

- Of the tributaries in the model, there is already a temperature TMDL in the Imnaha River and the Malheur River.
- Oregon tributaries only increase snake river temps by 0.37 (summer) and 0.01 (spawning). Whereas Idaho tributaries increases are as much as 6.9 (summer) and 0.10 (spawning). This is strongly influenced by upstream temps of the Snake River in Idaho. In short, the Oregon exceedances are minimal, and most of the exceedances are coming from Idaho.
- The Imnaha River is classified as tier 2 cold water refuge. There is a 38-mile gap in cold water refugia from Imnaha River south to Sheep Creek (area shown in screen shot to the right). Additionally, ODA does not have any Agricultural Water Quality Management Areas or Rules within this 38-mile gap (see exceeded area in screen shot below).

- ODA is curious as to why DEQ finds it appropriate to have ODA identified as a DMA for the Snake River TMDL but not for the Columbia River TMDL?





FIS

ODA finds the FIS questions to be appropriate to consider. However, ODA lacks staff time and technical expertise to do an assessment that would provide informative answers to these questions.

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

In general, this TMDL could very well impact a handful of small agricultural businesses, as well as racial equity. Again, both of which are unknowns. ODA did conduct a quick preliminary aerial imagery review of the DEQ identified 4,685 acres under ODA jurisdiction and did not readily identify many improvement areas that would likely result in realized benefit for this TMDL.

General Comments on TMDL RAC Process

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

The engagement continues to primarily be 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. Although active engagement and a collaborative planning process does take considerably more time for all parties involved, which is already a limited resource.

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.

Comment 3: US Fish and Wildlife Service

From: Cusack, Ciara
Sent: Wednesday, April 29, 2026 1:26 PM
To: TEMPERATURETMDL Snakehells * DEQ <snakehells.temperaturetmdl@deq.oregon.gov>
Subject: Snake River TMDL RAC Comments

Dear Oregon DEQ Snake River TMDL Team:

General comments on the Snake River Temperature TMDL documents are included below.

- In reference to the Water Quality Management Plan Section 2-Management Strategies:
    - An additional idea for consideration could include determining if there are areas with riprap that may be influencing stream temperatures. These areas could be planted into or removed and replaced with other materials to increase shading where feasible and appropriate.
    - Suggestion to provide clarification on "removal of ponds" from Table 1 under channel modification. Specifically, what type of ponds would be removed.

- In reference to bull trout (S*alvelinus confluentu*s):
    - Bull trout use the Snake River as foraging, migratory, and overwintering habitat and are primarily there during cooler months of the year (overlapping with the salmon and steelhead spawning temperature criteria which also benefits bull trout). Although most bull trout leave the river in the warm summer months, it is worth noting there is evidence that some individual bull trout use cold water refugia from tributary streams within the Snake River during the summer.

Thanks for the opportunity to comment!

Ciara Cusack
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Idaho Fish and Wildlife Office