

Temperature Total Maximum Daily Loads Replacement Project: Umpqua River Basin, Water Quality Management Plan and Fiscal Impact Statement

Meeting 2 Advisory Committee Member Written Comments

This document provides a compilation of written comments submitted by Rule Advisory Committee members during the designated comment period for RAC Meeting 2. Meeting materials were posted on April 16, 2026, and the RAC convened on April 28, 2026. The comment period was open from April 28 through May 20, 2026.

Original comments are on file with DEQ.

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ODF

Hi Sarah,

I just noticed the revised WQMP for Umpqua says the following:

DEQ finds that current ODF buffers on certain small and Type N streams are not adequate to implement TMDL load allocations. ODF's implementation plan must address this shortfall and identify strategies to ensure that forest lands subject to ODF jurisdiction meet TMDL load allocations.

It previously said..."may not."

Does DEQ have official documentation showing they are "not adequate."

Thank you.

USFS

Hello Sarah,

On page 3 of the Draft Fiscal Impact Statement it states that "DEQ found that existing riparian reserve protections in USFS's Northwest Forest Plan may not be sufficient to attain TMDL load allocations. USFS may need to take additional management actions to meet TMDL load allocations and effective shade targets."

I would like to suggest changing the language in the Fiscal Impact Statement to better align with the analysis of existing implementation plans in the Draft WQMP. The Draft WQMP states on page 8, "One site potential tree height SPTH in the Umpqua National Forest generally ranges from 150–200 feet, so minimum riparian reserve widths of all stream types are likely adequate to meet TMDL load allocations."

Here is a suggested change for the paragraph on the bottom of page 3 of the Draft Fiscal Impact Statement:

U.S. Forest Service is an existing DMA responsible for developing and implementing a TMDL implementation plan to meet TMDL allocations on USFS-managed lands. DEQ found that existing riparian reserve protections in USFS's Northwest Forest ~~Plan may not be sufficient to attain TMDL load allocations. USFS may need to take additional~~ **Plan provide minimum riparian reserve widths of all stream types adequate to meet TMDL load allocations will continue taking** management actions to meet TMDL load allocations and effective shade targets. USFS will likely incur administrative and operational costs to develop its plan and carry out the related management, monitoring, and reporting.

I am still reviewing the newest version of the Draft WQMP. If I have any comments on that document, I'll send those in a separate email.

Thanks

BLM

Fiscal Impact Statement

Subheading: U.S. Bureau of Land Management

1. Riparian Reserve. This is capitalized and not written as riparian reserve, riparian reserves, or Riparian Reserves because the Riparian Reserve is a Land Use Allocation in our 2016 resource management plans.
2. ...BLM's Northwestern & Coastal Oregon Record of Decision (ROD) and Resource Management Plan (RMP) and Southwestern Oregon ROD and RMP may...

Water Quality Management Plan

Subsection 8.3: U.S. Bureau of Land Management

1. ...Management's [stewardship](#) of streamside vegetation... (Paragraph 1)
2. ...South River Field Office [of the Roseburg District, the Medford District, and the Klamath Falls Field Office of the Lakeview District](#). (Paragraph 1)
3. ...as [a](#) riparian... (Paragraph 2)
4. Lakes, natural ponds and reservoirs > 1 [acres](#), and wetland > 1 acre. This is how it is written in our resource management plans. (Table 5, row 4)
5. Natural ponds < 1 [acres](#), wetlands < 1 [acres](#)... No s on acre in our resource management plans. (Table 5, row 5)
6. ...in [the](#) Riparian Reserve[s](#). (Paragraph 3)
7. Thinning in [the](#) Riparian Reserve[s](#)... (Paragraph 3)
8. Therefore, DEQ considers a 50-foot [R](#)iparian [R](#)eserve for Class III intermittent, non-fish-bearing streams generally sufficient to limit solar loading and [these streams](#) are not expected to increase downstream stream temperature. (Paragraph 6)
9. ...ponds, reservoirs, and wetlands less than an acre. The less than an acre wetlands have a smaller Riparian Reserve so I assume that ODEQ meant to say less than an acre instead of over an acre. (Paragraph 7)

Cow Creek Band of Umpqua Tribe of Indians

I would like to acknowledge and thank you for incorporating feedback from the first RAC meeting into the draft Water Quality Management Plan. I have no additional comments to submit at this time.

PacifiCorp

- **Subsection 5.2, paragraph 2** - ~~The benchmark~~ applies at the basin scale to evaluate overall progress and is not an individual performance requirement.
- **Section 7, paragraph 1** - OAR 340-042-0040(4)(I)(G) requires each WQMP to identify the persons, including designated management agencies, (DMAs), responsible for implementing management strategies and preparing implementation plans. Under OAR 340-042-0025(2), these responsible sources must meet TMDL allocations either through discharge permits or through strategies developed in implementation plans.
- **Section 7, paragraph 10** - The Cow Creek Band of Umpqua Tribe of Indians is also not listed as a responsible person because it is a federally-recognized sovereign Tribal Nation with sovereign authority over its lands.
- **Section 10, paragraph 1** - Responsible persons identified in [Table 3](#), with the exception of those required to first prepare dam and reservoir monitoring and assessment plans (see [Section 11](#)), must prepare and submit implementation plans.
- **Subsection 10.2, paragraph 1** - Responsible persons must meet requirements for implementation plan submittal, and revisions.
- **Subsection 10.2.1, paragraph 3** - Depending on the monitoring and assessment results as described in [Section 11](#), DEQ may also require select dam and reservoir operators to develop implementation plans.
- **Section 11, paragraph 2** - Removing “screening criteria” also removes clarity. Suggest “exclusionary screening criteria.”
- **Subsection 11.1, paragraph 2** - Douglas County and PacifiCorp must submit temperature monitoring and assessment plans for DEQ approval according to the schedule outlined in [Table 7](#) ~~Table 6~~.
- **Subsection 11.1, paragraph 3** - Each monitoring and assessment plan must include continuous, 24-hour upstream and downstream temperature monitoring for at least four consecutive years of a sufficient frequency to calculate the 7-day average of the daily maximum (7DADM) temperature during the critical period (May 1 through October 31). Continuous monitoring must be conducted at regular intervals, not to exceed 1 hour, with 30-minute intervals recommended.
- **Subsection 11.2, bullet 2** - Temperature increases above the surrogate measure target - If monitoring shows operations increase downstream temperatures, the operator must ~~take-comply with~~ one of the following actions on a timeline developed in consultation with DEQ:
- **Subsection 11.2, paragraph 2** - If a cumulative effects analysis demonstrates that dam or reservoir operations contribute to downstream warming **that may results in exceedances of water quality standards**, operators must submit an implementation plan that includes structural and/or operational management strategies designed to mitigate reservoir warming. Why was this [highlighted in yellow] removed? Suggest restoring this phrase.
- **Subsection 11.3, paragraph 1** - The Protecting Cold Water (PCW) criterion (OAR 340-041-0028(11)) applies to waters that have summer seven-day-average maximum ambient temperatures that are colder than the biologically based criteria.
- **Subsection 11.3, paragraph 2 and bullets** - The TMDL (Table 16) notes that the Protecting Cold Water criterion potentially applies in upstream waters entering the reservoirs of the North Umpqua Hydro Project [at](#):
 - Stump Lake (Clearwater River),
 - Lemolo (North Umpqua River),
 - Toketee (North Umpqua River, Clearwater River),
 - Slide Creek (North Umpqua River), [and](#)

- Soda Springs (North Umpqua River).
- **Subsection 12.1, paragraph 1** - All responsible persons identified in [Table 3](#) must track the implementation and effectiveness of their strategies according to their implementation plans ([Section Error! Reference source not found 10](#)) and conduct applicable monitoring and assessments consistent with [Sections 9](#) and [11](#).
- **Subsection 12.2, paragraph 2** - The annual review evaluates whether responsible persons are implementing actions as committed to DEQ- [in](#) approved implementation plans. Annual reports summarize actions taken, monitoring results, and observations.

Oregon Forest Industries Council

Please see the attached document detailing suggestions for edits to the second draft of the Umpqua Temperature TMDL WQMP that was discussed at the second meeting of the rulemaking advisory committee on April 29.

Overall, OFIC appreciates that changes that were made between the first draft of the WQMP and the second draft. In particular, the clarity that was added to Section 9.4 indicating that DMAs (or other “responsible persons”) need not adopt a 120-foot riparian buffer to demonstrate compliance with nonpoint source load allocations was helpful.

That said, the language in Section 8.2 does not, in our opinion, reflect this statement. Rather, as written, the language seems to unequivocally state that, since riparian buffers under the revised Forest Practices Act are, in some cases, less than 120 feet, they are “not adequate to implement TMDL load allocations.” Such an unqualified statement seems to directly contradict the statement in Section 9.4 that a 120-foot buffer is not necessary to demonstrate compliance. We would also note that the revised language in Section 8.3 pertaining to U.S. BLM managed lands is far more nuanced than that in Section 8.2 allows for more flexibility and variability in riparian buffering based on a variety of site-specific factors. For this reason, we have pulled language directly from Section 8.3 for inclusion in Section 8.2.

Other changes that are being suggested to Sections 5.2 and 6.1 are relatively minor but, in our opinion, are necessary, in the first instance, to ensure that natural disturbance is factored in when riparian conditions are being assessed for progress toward the 10% recovery target and, in the latter case, to recognize the inherent uncertainty in achieving progress through management strategies.

We appreciate the opportunity to serve on this advisory committee, and we look forward to reviewing the final WQMP once it is published for public comment.

Comments in the attachment:

- **Subsection 4.2, paragraph 2** - This list is not exhaustive [nor mandatory](#), and alternative or additional practices may be proposed and implemented if they achieve equivalent or better outcomes and comply with applicable rules
- **Subsection 4.2, Table 2, row 2** - “including avoiding new stream crossings” () This is stated too broadly. Perhaps “follow BMPs for installing new stream crossings.”
- **Subsection 5.2, paragraph 6** - DEQ will not consider shade reductions caused by natural disturbances as a violation or failure to implement a plan. [And will apply an adjustment factor when conducting its five-year progress review to account for such natural disturbance](#)
- **Subsection 6.1, paragraph 2** - While individual actions may not immediately change stream temperatures, cumulative implementation of management strategies ~~will~~ [may](#) reduce solar loading and improve temperature conditions over time. When management strategies are implemented as

described in DEQ-approved implementation plans, they **have the potential to** support progress toward load allocations and temperature criteria over time.

- **Subsection 8.2, paragraph 2** – ~~However, buffers~~ Buffers on Type N, small type streams, and streams under the Small Forestland Option are generally narrower than the 120-foot slope distance that DEQ determined **is as generally** sufficient to achieve ~~TMDL load allocations as measured through~~ effective shade targets (TMDL, Appendix C). ~~The TMDL assigns a 0.0 C° human use allowance to solar loading from other nonpoint source categories, including loss of streamside vegetation.~~
- **Subsection 8.2, paragraph 3** – ~~DEQ finds that current ODF buffers on certain small and Type N streams are not adequate to implement TMDL load allocations.~~ However, as explained below, the 120-foot slope distance is a general benchmark and is not required to demonstrate compliance with the TMDL's load allocations, and DEQ recognizes that effective shade reflects site conditions, including vegetation height, density, canopy structure, topography, and stream characteristics such as channel width and aspect (TMDL, Appendix C). Therefore, ODF's implementation plan **must should** address ~~this~~ the delta between the 120-foot slope distance and the no-harvest buffers on certain small and Type N streams in the Forest Practices Act and ~~shortfall and~~ identify strategies to ensure that forest lands subject to ODF jurisdiction **will nevertheless** meet TMDL load allocations.
- **Subsection 8.2, paragraph 4** – As outlined in the 2021 Memorandum of Understanding between DEQ and ODF, DEQ will collaborate with ODF to identify additional measures, such as ~~rule revisions,~~ stewardship agreements, or incentive programs to increase reasonable assurance of achieving load allocations.

Non-discrimination statement

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