

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

Advisory Committee Meeting 2 Summary

Location virtual meeting (Zoom)

May 20, 2026, 9 a.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	Absent
Amie West	U.S. Forest Service	Present
Mike Brown	Bureau of Land Management	Present (Anna Smith, alternate)
Ryan Krabill	Oregon Farm Bureau	Present
Hannah Latzo	John Day Basin Partnership	Present
Rebecca McCoun	Oregon Department of Forestry	Present
John Rowell	Grant County	Absent
Brent Smith	Oregon Department of Agriculture	Present
Phil St. Clair	Landowner	Absent
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

9 a.m.	Welcome, introductions, and project background
9:10 a.m.	Draft Total Maximum Daily Load revisions
9:50 a.m.	Draft Water Quality Management Plan revisions
10:20 a.m.	Draft Fiscal and Economic Impact Statement revisions
10:40 a.m.	Wrap up, next steps
11 a.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 May 6, 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 reviewed the documents presented today (Total Daily Maximum Load, TMDL Technical Support Document, Water Quality Management Plan, and Fiscal Impact Statement). Her presentation focused on TMDL surrogate measures and cold water refugia presented in the TSD. Victoria reviewed what surrogate measures are, which surrogate measures changed and which ones stayed the same. Effective shade is a surrogate measure for solar loading. A lower effective shade value means there is less shade, and therefore more solar radiation reaching the stream. The TMDL provides both site-specific effective shade targets for modeled reaches and general shade curves that apply where temperature was not modeled.

AC - Kyle Sullivan, Grant County SWCD: Glad to see that shade gaps have decreased. However, this finding is inconsistent with the WQMP which says that ODA's approach, which relies on voluntary measures are not adequate to achieve load allocations.

Trea Nance, DEQ: While we are seeing improvements, there's still room for more work to be done. The TMDL found reduced shade gaps in specific reaches, but gaps still remain in other locations.

Dale Smith - Rancher downstream of Clarno: What about shade gaps on private land and what measures are in place to work with landowners to increase shade?

Victoria Avalos, DEQ: DEQ's shade gap analysis only conducted for temperature-modeled reaches, the TMDL provides generalized shade curves for reaches that did not model temperature.

Dale Smith - Rancher downstream of Clarno: What funding is available? This map is too broad to prioritize projects.

Trea Nance, DEQ: We hope to answer your questions during the WQMP presentation.

AC - Kyle Sullivan, Grant County SWCD: Was the shade or solar loading calculated throughout the year or was there a specific time you evaluated?

Victoria Avalos, DEQ: Shade curves were modeled on Aug. 1, 2002, and Aug. 1, 2004; depending on the model. This represents conditions on the hottest days of the year.

Victoria Avalos, DEQ: Next, Victoria reviewed what cold water refugia are, the proposed screening approach for how we determine when cold water refugia are met, preliminary analyses results, and next steps for this analysis.

Trea Nance, DEQ: Next, Treia presented changes to the WQMP based on feedback from the first RAC meeting. She started by clarifying that the WQMP does not require Designated Management Agencies to adopt a 120 ft protective riparian buffer. Next, she reviewed changes including reorganizing section 5, adding a summary table of implementation requirements, added cold water refugia requirements, clarity for dam and reservoir owners, updated due dates, and a few other small edits.

Following up to Dale's earlier question: DEQ assigns implementation responsibilities to Designated Management Agencies. For private land, the jurisdiction typically depends on the land use and proposed activities. Oregon Department of Agriculture is the DMA responsible for agricultural activities. ODA works with Soil and Water Conservation Districts who can provide technical assistance to help landowners know what approaches can work best for their properties. Brent Smith is representing ODA as a part of this rulemaking process.

AC - Brent Smith, ODA: You can contact me or Herb Winters (AC - Gilliam SWCD) for assistance.

AC - Amie West, USFS: Would we default to a 120 ft buffer if we are unable to perform a shade gap analysis?

Trea Nance, DEQ: Yes. The WQMP adequacy analysis (Section 5.2.4) reviews the USFS current resource management plans and indicates which areas DEQ finds are not likely to achieve load allocations as measured by surrogate effective shade targets – mostly areas not already protected by a 120 ft buffer. The shade gap analysis requirement only applies to certain areas that we find are unlikely to meet load allocations; not the entire forest.

AC - Rebecca McCoun, ODF: Do they have to default to the 120 ft buffer, or do they just default to where they get shade so it meets the shade gap?

Trea Nance, DEQ: The 120 ft buffer is an alternative if they choose not to do the shade gap analysis. The shade gap analysis methods are due 18 months after EQC adoption, and the full shade gap analysis is due five years after EQC adoption.

Ryan Michie, DEQ: The 120 ft buffer isn't a rule requirement, the requirement is to meet the shade target. You are in compliance with the TMDL if the shade targets are achieved. If you can do that with less than 120-foot, that's fine.

Paula Hood, she/her: If the Forest Service chooses not to do a shade gap analysis, is the 120-foot buffer a no-cut buffer? Or can they still log within the 120' buffer?

Ryan Michie, DEQ: No. The TMDL requirement is that shade be met; not a 120 ft buffer. If the stream is in a forest setting and there is no site-specific data or analysis, DEQ's literature review found that 120 foot is sufficient to meet shade in nearly all cases. There are many areas in the John Day that don't need a 120-foot buffer to meet load allocations as measured through effective shade.

AC - Amie West, USFS: USFS has stringent and complicated requirements. USFS does not have no-cut buffers. They would likely do a shade gap analysis or more in-depth analysis before proposing where and what to cut.

Paula Hood, she/her: In her experience monitoring timber sales, she found that the majority of streams are meeting shade standards but are very much not meeting temperature standards. Shade is not an accurate predictor of stream temperature. What sort of backstops are there for a stream that meets shade targets but not temperature standards?

Trea Nance, DEQ: DMAs are in compliance with the TMDL if they are following their implementation plans, submitting their reports, and making progress over time. Implementation plans are not limited to shade, they should also address other heat sources like channel morphology and instream flows. DMAs annually report their progress, and review and revise their plans every 5 years as part of an adaptive management approach.

Ryan Michie, DEQ: There's a component of the TMDL that has a background reduction – which the USFS is not responsible for. This is probably worth a follow-up conversation.

AC - Brent Smith, ODA: For the lower John Day, what are the expectations for the cold water refugia requirements? There needs to be a conversation about what is actually effective for fish during migration periods because it varies a lot depending on the fish species and age of the fish. Most of the tributaries are dry during the summer period. Is there an expectation to move tributaries from Tier 1 to Tier 2?

Trea Nance, DEQ: The mainstem Lower John Day is meeting the cold water refugia requirements.

Victoria Avalos, DEQ: The criteria apply to the Lower John Day, so we are looking to see if the criteria are being met in the Lower John Day. Our analysis shows that it does, and Thirtymile Creek and Bridge Creek are tributaries that contribute to cold water refugia on the John Day River in the form of cold water plumes.

AC - Brent Smith, ODA: Flow is an essential component, so fish can escape the warm water.

Ryan Michie, DEQ: The focus time period when protecting cold water refugia apply when temperatures exceed 18 deg C.

AC - Anna Smith, BLM: What does it mean for a DMA if streams flowing through lands they manage are identified as protecting cold water refugia?

Trea Nance, DEQ: They need to acknowledge where those cold water refugia are and consider that as a factor to prioritize implementation. WQMP Section 5.4.3 describes DEQ's expectations.

AC - Anna Smith, BLM: How do we rectify the ability of a site to support shade when there's no water in the stream to support aquatic life?

Trea Nance, DEQ: If there's water flowing, it is expected to meet water quality standards, and DEQ expects shade will be prioritized. The TMDL accounts for background loading, which includes climate change. DMAs are not responsible for directly addressing climate-induced warming – or warming from natural disasters like wildfires. Implementation plans should also consider other strategies – like flow restoration, upland habitat restoration – to improve conditions beyond shade.

Trea Nance, DEQ: Treia reviewed updates to the draft Fiscal Impact Statement based on feedback from the first RAC meeting. Grant SWCD provided the number of individuals receiving agriculture or forest land tax deferrals, and DEQ reduced the number of registered businesses because the first draft included The Dalles, Madras, and other small communities outside the John Day Basin. DEQ also modified language in the environmental justice section to recognize a significant portion of the basin is considered low-income and the basin has a significantly higher risk of wildfire.

AC - Kyle Sullivan, Grant County SWCD: Can you explain why you conclude there's not going to be much of a fiscal impact, but yet we don't have a good estimate as to the number of small businesses being affected, buffers applied, or results of the shade gap analysis.

Trea Nance, DEQ: The WQMP assumes phased implementation and a working lands approach. The 120-foot buffer is just an alternative, not a requirement. Many places will require less than 120 ft of protected riparian buffers to achieve shade targets, like willow dominated areas. DEQ does not expect immediate compliance. Implementation plans, guided by streamside evaluations and shade gap analysis, are expected to prioritize restoration/protection over time.

AC - Rebecca McCoun, ODF: DMAs required to do a lot of uplift, ODF does not have new funding to do this work. There is a cost.

Sarah Norpchen, DEQ: Sarah concluded the presentation with a review of next steps and staff contact information. RAC members have until June 10 to provide written comments. DEQ expects to publish the next draft in August as part of the 45-day public notice period. The public notice period is open for anyone to provide comments. She opened the meeting up for additional comments and questions.

AC - Amie West, USFS: Suggested that ratio relative flow could help inform a flow factor for the protecting cold water refugia analysis. At what point will Appendix C be available?

Victoria Avalos, DEQ: Thank you for the suggestion. Appendix C will be available as part of the public notice, in August. The approach is the same as the [2010 TMDL](#), we are just cleaning up the language.

Brian Posewitz, WaterWatch: Do the changes in shade gap correspond to improved water temperatures? Have temperatures gone down since 2010 as a result of the TMDL?

Victoria Avalos, DEQ: Results vary across the model extent. The comparisons between the John Day Calibrated model, 2023 conditions, and restored vegetation can be found in the [Technical Support Document Appendix B](#). For the John Day River, please refer to Figure 4-5.

Trea Nance, DEQ: The [integrated report](#) shows where we are meeting standards and where we are not. DEQ's [status and trends report](#) shows the status, statistically significant trends, and applicable TMDL targets.

Sarah Norpchen, DEQ: Concluded the meeting.

Questions from the meeting Chat:

Paula Hood, she/her: Can you please speak to open public comment timelines, and availability for the public to have their concerns or questions addressed at this point in the process

Paula Hood, she/her: If the Forest Service chooses not to do a shade gap analysis, is the 120 foot buffer a no-cut buffer? Or can they still log within the 120' buffer?

AC Anna Smith AC for Mike Brown: What actions are needed by DMAs in coldwater refugia? Or is this just for prioritizing work?

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