

Temperature Total Maximum Daily Load Replacement project: Middle Columbia-Hood (Miles Creeks) Subbasin

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. The RAC convened on May 27, 2026. The comment period was open May 27, 2026 – June 12, 2026.

Original comments are on file with DEQ.

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Comment 1: Oregon Department of Forestry

Below are some comments regarding the draft Miles Creek WQMP.

For the ODF section of the draft Middle Columbia (Miles Creek) Subbasin WQMP 5-27-26

1. The riparian rules in Table 4. you have provided are specifically the East Side Riparian Management Area (RMA) rules. Here is a link you could use [Microsoft Word - PFA Stream Buffers EO edits \(2\)](#). It would be good to specifically call it the East Side to distinguish from the West Side RMA rules.

2. Also, the term Small Forestland Option is partially accurate. The correct term is the Small Forestland Owner (SFO) Minimum Option. A small forestland owner may elect to take the minimum option.

These are the comments I have as of today.

Thank you.

Rebecca McCoun

Riparian & Aquatic Specialist

Oregon Department of Forestry

Work Cell: 971-446-1997



Comment 2: Wasco County Soil & water Conservation District

June 12, 2026

Smita Mehta

TMDL Basin Coordinator

Oregon Department of Environmental Quality

475 NE Bellevue Drive, Suite 110 Bend, OR 97701-7145

Re: Middle Columbia–Hood (Miles Creeks) Temperature TMDL – SWCD Comments

Dear Ms. Mehta and DEQ TMDL Team,

Thank you for the opportunity to participate in the Rule Advisory Committee for the Middle Columbia–Hood (Miles Creeks) Temperature TMDL. Wasco County Soil and Water Conservation District appreciates DEQ's work on this update and the chance to provide early feedback. Our comments reflect decades of on-the-ground restoration, monitoring, and landowner engagement across the Miles Creeks subbasin. They also reflect our statutory role as the Local Management Agency under the Agricultural Water Quality Management Area Plan,

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where we support ODA through voluntary conservation, education, outreach, and monitoring. Our comments focus on four areas where clarification or adjustment would help ensure the TMDL aligns with site conditions, existing regulatory frameworks, and realistic implementation capacity.

1. Reconciling Modeled Effective Shade Targets With Documented Conditions: Relevant sections: TMDL 9.1.4 (Surrogate Measures), WQMP 2.1.1 (Streamside Vegetation Management Strategies)

The draft TMDL assigns effective shade targets based on modeled maximum potential vegetation. In dryland systems such as Fifteenmile Creek, this modeled condition does not reflect what the landscape can physiologically support. Although Fifteenmile is only one of several streams in the Miles Creeks TMDL, it is where most long-term data exist. Field-verified data collected through numerous grant monitoring and restoration assessments show that riparian vegetation on agricultural lands is already functioning at or near site capability. The 2019 Conservation Effectiveness Partnership report supports this, noting that roughly 90 percent of perennial stream miles on private land in Fifteenmile have established riparian buffers that have been in place for decades and are providing shade, bank stability, and filtration consistent with site potential.

We request clarification on how DEQ intends to reconcile modeled existing shade values with field-verified conditions that already reflect site capability. Without this reconciliation, the TMDL may set expectations that exceed what the landscape can produce.

2. Alignment With ODA's Site-Capable Vegetation Standard: Relevant sections: WQMP 5.2.2 (Adequacy of AgWQ Program), 5.3.1.1 (Management Strategies)

Under the Agricultural Water Quality Program, ODA evaluates riparian condition based on site-capable vegetation. This is the regulatory standard agricultural landowners must meet under the Area Rules.

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To ensure consistency across state programs, we request clarification on how TMDL shade targets will be interpreted within ODA's existing compliance framework, especially where modeled maximum potential vegetation exceeds what site capability, precipitation, soils, and disturbance regimes allow.

Clear alignment between the TMDL and ODA's statutory framework is essential for implementability and for maintaining consistent expectations for landowners.

3. Landscape Constraints That Limit Shade Potential: Relevant sections: WQMP 2.1.1 (Vegetation Strategies), 2.1.3 (Channel Management), TSD – Vegetation Zones and Shade Curves

Much of the Miles Creeks subbasin, including Fifteenmile and Eightmile, is characterized by entrenched channels, narrow or absent floodplains, shallow rocky soils, low-precipitation vegetation communities, and frequent wildfire intervals. The Lower Deschutes Agricultural Water Quality Management Area Plan identifies these constraints as outside agricultural control. Furthermore, the Lower Deschutes plan also outlines that site capable vegetation can be determined for a site by viewing nearby undisturbed reference sites with similar natural

characteristics. Long-term monitoring of CREP and non-CREP buffers shows that even after 20 or more years of protection, many reaches support woody shrubs and grasses rather than tall, channel-spanning tree canopies (see examples in appendix A). This is consistent with ecological site descriptions and the disturbance history of the watershed.

We request that the final TMDL explicitly acknowledge these constraints and ensure that effective shade targets reflect achievable site-capable vegetation, not theoretical maximums that are unattainable in dryland systems.

4. Implementation Workload and Capacity Considerations: Relevant sections: WQMP 5.3 (Implementation Plan Requirements), 6 (Monitoring and Evaluation), 7 (Reasonable Assurance) The draft WQMP includes new or expanded expectations for vegetation assessment, performance monitoring, reporting, and identification of priority areas for restoration. The SWCD and local Watershed Councils already conduct extensive monitoring, outreach, and project implementation throughout the Miles Creeks subbasin. We also have completed Strategic Implementation Areas on Mill Creek, Threemile, and Eightmile, where ODA documented that all agricultural properties were in compliance with Area Rules. While compliance does not necessarily mean site-capable vegetation is fully established, it does indicate that conditions are in good shape and trending positively.

Any additional requirements, especially if they involve new assessment methods or expanded reporting, will require additional funding and staff capacity. The WQMP acknowledges this challenge and encourages DMAs to partner with SWCDs, but the SWCD is not a DMA and does not have regulatory authority. Our ability to support implementation depends on adequate resourcing. We request that DEQ clarify which monitoring expectations apply to agricultural lands, ensure that any new requirements are coordinated with ODA's existing monitoring framework, and work with ODA to identify funding pathways for any expanded workload before the 2028 implementation date.

Closing Thoughts

Wasco County SWCD values our long-standing partnership with DEQ, ODA, and local landowners. Our goal is to ensure that the final TMDL reflects both the ecological realities of dryland watersheds and the substantial progress already achieved through decades of voluntary conservation. Serving the people of Wasco County since 1942. Visit us on the web: www.wascoswcd.org

We appreciate your consideration of these comments and look forward to continued collaboration as the TMDL is refined. Please feel free to contact us if additional information would be helpful.

Sincerely,

Shilah Olson
District Manager

Drake Gilbert
Watershed Coordinator

Comment 3: City of The Dalles

Good afternoon,

The City of The Dalles appreciates the opportunity to participate in the rulemaking process for the proposed Miles Creeks Subbasin Temperature TMDL and Water Quality Management Plan and respectfully submits the following comments for consideration.

In reviewing the draft materials, the City requests clarification regarding the proposed Streamside Evaluation requirement identified in the draft Water Quality Management Plan.

The City has existing Stream Corridor Overlay regulations and recently completed an update to its TMDL Implementation Plan. Together, these programs provide a framework for stream corridor protection, riparian restoration, development review, annual reporting, performance monitoring, and periodic plan review.

The City appreciates DEQ's recognition that responsible persons and DMAs may not have adequate resources or expertise to complete all elements of a Streamside Evaluation, as well as DEQ's stated intent to provide technical assistance and modify expectations based on local capacity.

To assist local governments in understanding implementation expectations, the City respectfully requests additional clarification regarding:

1. What DEQ considers the minimum information necessary for a Streamside Evaluation to be considered complete and adequate.
2. The extent to which existing local inventories, stream corridor mapping, permit tracking systems, implementation plan reporting, and other locally maintained information may be used to satisfy the Streamside Evaluation requirement.
3. Whether DEQ intends to provide guidance, templates, mapping resources, training, technical assistance, or funding opportunities to support local governments in completing Streamside Evaluations.

Additional clarification on these items would help local jurisdictions better understand the scope of the requirement and how it is intended to integrate with existing implementation, monitoring, and reporting obligations

Thank you for your consideration.



Joshua Chandler

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Comment 4: Wasco County SWCD

Miles Creek TMDL Team,

Thank you for the opportunity to participate in the Rule Advisory Committee for the Middle Columbia–Hood (Miles Creeks) Temperature TMDL. Wasco County Soil and Water Conservation District appreciates DEQ's work on this update and the chance to provide early feedback. Attached are the combined comments for RAC members Shilah Olson and Drake Gilbert. Please let us know if you have any follow-up questions and we look forward to participating in future sessions.

Thanks,

Drake

Drake Gilbert

Watershed Coordinator

Wasco County SWCD

Comment 5: Wasco County

June 12, 2026

Smita Mehta

TMDL Basin Coordinator

Oregon Department of Environmental Quality (DEQ)

475 NE Bellevue Drive, Suite 110

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Re: Middle Columbia-Hood (Miles Creeks) Temperature TMDL Rule Advisory Committee

Thank you for the opportunity to review and provide relevant feedback on the draft update to the Middle Columbia-Hood (Miles Creeks) Temperature Total Maximum Daily Load (TMDL) update. I am writing to you in my capacity as the Planning Division Director for Wasco County and as a member of the TMDL Advisory Committee.

Below are our specific comments:

1. Table Correction: Wasco County Area of Jurisdiction

Reference: Section 5.1.2 Table 4 (Page 14).

In Table 4, the "Area of jurisdiction" for Wasco County is currently listed as: "Urban, rural land use, including zoning, permitting and riparian protection..."

This description is not accurate. As a county government, Wasco County does not hold land use, zoning, or permitting jurisdiction within incorporated "Urban" areas (the cities within our borders possess their own municipal authority over urban land use). Although Wasco County Building Codes Services does possess building codes jurisdiction over both the unincorporated areas and the

incorporated communities, Wasco County's land use jurisdiction is strictly limited to rural and unincorporated areas.

Perhaps the word "Urban" was used mistakenly, or is meant to describe specific situations, but Wasco County's area of jurisdiction should be accurately provided.

2. Substantive Impacts: New "Streamside Evaluation" Requirement

Reference: Table 4 (Page 14); Section 5.3.1.1 (Pages 24–25).

Under the proposed update, Wasco County is newly required to conduct and submit what appears to be a highly technical "Streamside Evaluation." This requirement mandates that the County quantify, in acres, the streamside areas needing enhancement, areas with physical or jurisdictional constraints, and locations with the potential for instream restoration or cold-water refuges.

This Streamside Evaluation was not a requirement under the previous 2008 Miles Creeks TMDL.

While we understand the value of analyzing spatial data in prioritizing the implementation of management strategies, Wasco County lacks the internal funding, staff capacity, and technical Geographic Information System (GIS), environmental (riparian ecology or botany), hydrology, and other specialized expertise required to perform this level of rigorous work.

Wasco County Geographic Information System Division shared data layers detailing property ownership and zoning data with the DEQ. These data clearly demonstrate that the overwhelming majority of the Miles Creek Subbasin waterbodies fall within private property. While Wasco County has authority to regulate uses and development in unincorporated areas (Building Codes Services within incorporated communities), it does not have authority or the legal right to physically cross or occupy private property. The scope of land use jurisdiction is limited to the requested use and/or development. The provided tasks to obtain information for streamside evaluations appear to be quite technical and would require physical on-site data acquisition. The jurisdictional constraints alone would highly likely make this operationally and legally an infeasible mandate.

It is important to note that the DEQ acknowledges this difficulty on Page 24, stating:

DEQ recognizes that responsible persons, including DMAs, may not have adequate resources or expertise to perform all the actions listed in a–g. DEQ encourages responsible persons, including DMAs, reach out to and partner with local watershed groups and Soil and Water Conservation districts in the area to help evaluate areas within the DMAs jurisdiction and target locations for implementation activities. Additionally, DEQ will provide technical assistance to DMAs and may modify expectations to suit their abilities and capacity. (p. 24)

In preparation for these comments, County staff inquired with the Wasco County Soil and Water Conservation District (SWCD) about streamside evaluation actions listed in Section 5.3.1.1.a-g. At this time, the SWCD performs some vegetation assessment work, but does not follow the streamside evaluation steps outlined in the draft TMDL. Further, Section 5.3.1.1, provides that the DEQ "will provide technical assistance" (non-discretionary) to DMAs, but it is unknown what the scope of the technical assistance shall be. Lastly, the DEQ "may modify expectations to suit [DMA] abilities and capacity" (discretionary); however, there is no information or examples provided that detail what information or thresholds the DEQ needs from DMAs to demonstrate their limited abilities and capacity. If the DEQ has the discretion to grant DMAs a modification to streamside evaluation expectations (essentially a variance) to suit a DMA's "abilities and capacity" the criteria

used in the decision should be clearer.

The addition of "Streamside Evaluations" will pose a significant new administrative and technical burden that may reduce Wasco County's ability to timely and accurately develop implementation strategies. The cost-benefit of this new requirement should be examined. Are there other options? Perhaps a simplified alternative compliance pathway for rural DMAs would be amenable.

Thank you again for providing the opportunity to review and provide relevant feedback on the draft Miles Creek TMDL.

Respectfully,
Daniel Dougherty
Planning Director
Wasco County Planning Division

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