The Confederated Tribes of the Grand Ronde Community of Oregon

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Date: March 3, 2026
From: Keri Morin Handaly, Ceded Lands
To: Oregon Department of Environmental Quality (DEQ), Attn: David Gruen, Columbia River TMDL
CC: Michael Karnosh, Ceded Lands Manager, Stacia Hernandez, Chief of Staff
Re: Tribal review of Columbia River Temperature TMDL Water Quality Management Plan

Dear David Gruen:

The Confederated Tribes of Grand Ronde ("CTGR," "Grand Ronde" or "Tribe") thank you for the invitation and inclusion of Tribal staff on the Columbia and Lower Snake Rivers Temperature TMDL Water Quality Management Plan Local Advisory Group. The following comments are submitted by Ceded Lands staff.

Grand Ronde is a sovereign Tribal nation that is comprised of 30+ bands of Tribal members from across western Oregon. Our treaty ceded lands comprise 14 million acres that span from southwest Washington to northern California. Through the ratified Willamette Valley Treaty of 1855, Grand Ronde has treaty ceded lands in the Columbia River and its adjacent Oregon banks from Cascade Locks (upstream of Island) downstream to Oak Point. In addition, Grand Ronde also has usual and accustomed areas in the Columbia River and its Oregon and Washington banks from above Celilo Falls all the way to the mouth of the Columbia. Since time immemorial, the Tribe has stewarded the sacred waters of the Lower Columbia River basin and its salmon, lamprey, and eulachon which are Tribal First Foods.

Tribal staff appreciate EPA and DEQ's work to develop and implement TMDLs, including the work with Designated Management Agencies (DMAs) to ensure substantial progress is made towards lowering temperatures to avoid lethal and sublethal impacts to salmon. Staff extol DEQ's work in collaboration with Washington to include dams and ensure their respective plans are successfully mitigating both point and non-point sources of heat. The Tribe acknowledges the list of Oregon tributaries to the Columbia main stem and DEQ's and Washington's ongoing oversight of the temperature plans of these six tributaries. Of specific interest to CTGR are the Sandy and Willamette Basin temperature plans as they relate to successful migration, spawning, and rearing.

Page 5. 1. Introduction and Page 8. Condition Assessment and Problem Description and 1.2 Goals
The introduction states that this document provides **the framework** for management strategies.

Comment:
Tribal staff agree that the current draft provides examples of best management strategies as suggestions for the types of actions that may be implemented by an entity and that are known to likely be effective. However, part of the document's structured sections are lacking sufficient detail related to expectations for the DMAs' plans. Without sufficient detail the plans will not be consistent and standardized in manner that allows DEQ to not only conduct an annual and five-year review across the differing DMAs. As a requirement of the annual reports, Tribal staff would like to see maps of monitoring locations with a table of results, maps of restoration areas with acres planted v. total acreage goals. Also, where projects are being planned v. implemented the actions taken to make progress such as funding requests, grant writing, project planning, operational procedure change documentation and training, policies passed, equipment installed, fiscal investments made and total FTE supporting Temp TMDL

work. etc.

Page 8.

Comment:
For ease of use for the reader, can DEQ attach Tables 3-2 to 3-8 as Appendices to this document?

Page 10. Table 2. -NPDES permitted point sources

Comment:
While the CTGR agrees that issuance of a well-defined permit and necessary enforcement is part of the framework to ensure progress towards the temperature reduction allocation, it is the Permittee's Operating Management Protocols or Plan and the collection of monitoring data that supports the control heat that is the *Management Strategy* that seems like would be listed in the right hand column of Table 2. Without this edit, the first sentence under Table 2 states "…Section 4.1 will develop implementation plans that incorporate strategies and practices in Table 2…" This sentence does not make sense because the DMA's implementation plan cannot incorporate "issuance and enforcement of NPDES permit." [Minor grammatical and clarification note]

Page 10. "Implementation plans *must include specifics* on where and when priority and other strategies and practices will be applied, along with measurable objectives and milestones for documenting [the plan's] implementation and gaging [its] effectiveness." **AND Page 17. 5.3 Implementation plan requirements**

Comment:
The Tribe suggests 1) more detail is needed here or refer to the sections with the detail 2) DEQ could create a standardized template and checklist as plan writing guidance (if one doesn't already exist). Not all detail needs to be included in this document, if that is DEQ's preference, but it should be clear that other more detailed guidance will be provided, as such this document, in places, reads more like a summary of the OARS rather than a roadmap to explain to the Tribe and public how DEQ will orient the regulated entities to achieve success and hold them accountable for standardized reportable, measurable, and progress evaluable data.

Page 10. On Climate Change

Comment:
This section also includes information about climate change being another factor affecting temperature. As written, this feels like a non sequitur and is not clear to Tribal staff what is being achieved with introduction of this information. Suggestions are provided below about how climate change can exacerbate existing conditions that lead to warmer rivers and *could also be* connected to DMA implementation plans discussed in this section.

It would be an unfortunate consequence, if this information were construed as making meeting a wasteload/load allocation an impossible goal, as opposed to making this the need for adaptively managing the plan on these feedback loops. This seems like a good place to reference the existence of the Columbia River Cold Water Refuges Plan and cite

> (Page 72) the findings of the modeling analysis "…the rate of warming is approximately the same in the two simulations, indicating that the increase in warming since 1970 is primarily attributable to air temperature… …and that dams have not [yet] *emphasis added*, exacerbated the warming trend in July… but have exacerbated the warming in late summer (August-Sept)."

CTGR notes how the Cold-Water Refugia document sheds light on the need for DEQ's ongoing careful management of point source permits, water withdrawals, and ensuring progress on the Sandy River such that it remains a cold-water refuge as the climate continues to warm.

Suggested examples of what should be included in each plan[1].

1) Fiscal Analysis: See Section 5.3.6.
   Comment: In the case of US ACE, budgets to OMB/Congress are beholden to approval and respect for the Federal Trust Responsibility to the Tribes to uphold their Treaty rights. At this point, it is unclear if these Tribal Trust and State WQS requirements will be taken seriously. That said, the Tribe hopes that DEQ and US ACE regional staff can effectively collaborate on how operating budgets can be secured for purposes of working to preserve the ongoing existence of wild salmon.
2) Project Prioritization:
   Comment: WQMP does not mention consideration of project impact and ranking from high to low importance.
3) Project Planning:
   Comment: how much predicted work can be accomplished in a 5- and 10-year horizon. What are the potential barriers. Are they surmountable? Is there a viable proposed alternative? Is the cost achievable? This analysis should be included in the prioritization exercise.
4) Data collection: See Section 6.
   Comment: Monitoring strategies should include documenting changes in salmon species migration patterns[2]
5) Mitigation:
   Comment: WQMP does not mention mitigation as an option for compliance. Recommend considering allowing a DMA to fund other projects that will improve main stem conditions like the suggested cold water refugia improvements in lieu of actions unable to be taken due to insurmountable barriers with an explanation for how the funding supports the overall objective of improving main stem temperature conditions.
6) Collective Credit:
   Comment: The WQMP provides the EPA watershed planning handbook as a guide but suggest that DEQ consider adding explicit language around the ability to partner with another DMA to improve conditions in lieu of actions that the DMA is unable to undertake due to insurmountable barriers. Include an explanation for how the funding supports the overall objective of improving main stem temperature conditions.
7) Climate change: See Section 7.2.
8) **Comment:** DEQ should consider allowing the DMA to get credit for actions that reduce greenhouse gas emissions that help the state meet climate change reduction benchmarks (example, project to significantly reduce electricity use or switch to solar)
9) Climate change:
   Comment: reporting should document setbacks to progress due to climate and/or natural disasters. Example, monitoring data reveals more temperature exceedances in a notably warmer than typical summer, reports of salmon deaths, tree die off from drought stress or stem survival rates, etc.
10) Missed deadlines:
    Comment: If a DMA does not meet its planned projects and expenditures within the first 3-4 years, meet to discuss obstacles with DEQ and map out a plan as to how the DMA plans to make up for this progress within a new defined timeframe.
11) Evaluation of efficacy:
    Comment: Reporting needs to include how are projects performing and being monitored; how will they be adaptively managed to improve or adjustments needed in Plan BMPs or prioritization due to climate change or other unexpected results.

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1 The Tribe recognizes that some of these examples apply to the Tributary DMA plans which are already in existence and presumably not specifically changing due to the issuance of this mainstem WQMP. However, the Tribal staff note that the 5-year Willamette River Temp TMDL Assessment does not contain all the types of data listed that would aid the Tribes and the public in understanding what progress is being made. For example, total potential acres for shading and total acreage planted in the time frame, planted species, density, drought or disease stress die off, along with how much money is being invested, etc.

2 CTGR notes that scientific studies have concluded that some shifts are evolutionary adaptation for success, but extreme shifts may ultimately disrupt the synchrony of the lifecycle, for example phenological mismatch, leading to extinction.

Page 11. 2.1 Nonpoint source dam management strategies

Comment:
The Tribe considers the impoundment of water by a dam, its related warming, and ultimate release of water thru or past the dam exceeding the temperature water quality standards to be a point source discharge[3]. Staff understand that the main stem dams are run of river, so this comment is made in the larger context of dam impacts to wildlife. Tribal staff note that 401 Water Quality Certifications are important mechanisms for point and non-point to ensure sufficient progress and investments are being made to meet the standards for temperature. Tribal staff acknowledge that the EPA Columbia River Cold Water Refuges Plan modeling simulation of historic temperatures (Page 72, Figure 5-2 and 5-3) are interpreted to mean that the main stem dams *exacerbate* the warming impacts from *climate change*.

Page 14. DEQ Permit Revisions
Comment:
For ease of use for the reader, can DEQ attach Tables 6-11 and 6-12 as Appendices to this document.

Page 15. Timelines for attaining temperature water quality standards Page 17. Implementation Plan Requirements and Page 18. 5.3.2 Timelines and schedule.
"Each implementation plan must include commitment to implementation of specific actions to achieve implementation of specified management strategies on a reasonable timeline…"

Comment:
What is the definition of reasonable? To meet the standard of reasonable assurance of implementation, I timeframe must be specified. The Tribe does not support undefined timeframes of decades to make significant progress towards heat reduction. Wild salmon populations are predicted to be extinct in 10 to 20 years depending on section of river or tributary in the Columbia River system. Tribal staff supports DEQ requiring DMA plans to prioritize projects and **forecast the progress that can be made within 5- and 10-year timeframes.** Efforts towards making significant progress with implementation measures within the first ten years is an agreeable "reasonable" timeframe. Thus, the Tribe agrees with DEQ's statement on page 18 related to the use of SMART elements to ensure that DMA plans are thorough, detailed, contain fiscal and timeline commitments for significant progress towards compliance.

Page 17. 5.1 Identification of implementation responsibilities.
"All citizens that live, work, and recreate in the watershed can take steps to reduce pollution and protect or restore water quality to attain standards and designated beneficial uses."

Comment:
Consider adding a thought here to connect this to the larger set of DMAs (non-dam owners).

> "DEQ encourages the Oregon Tributary DMAs to engage with and encourage the public's active participation to leverage their abilities to achieve long term water quality improvements throughout the tributary watershed boundary. A helpful resource includes the EPA's Handbook for Developing Watershed Plans to Restore and Protect Our Waters. (EPA, 2008)."

3 CTGR understands that this is not necessarily an accepted perspective, but when monitoring data can clearly point to a single source of the dam and the dam operations are passing warmed water downstream disrupting or harming juvenile salmon, this meets the definition of point source. The Tribe also acknowledges that not every dam meets this definition.

Page 18. 5.3.3 Performance monitoring, reporting, and plan review and revision
"Each implementation plan must include a commitment to prepare and a *date to submit* to DEQ annual reports on performance monitoring."

Comment:
The Tribe is confused by this language. DEQ should be determining the schedule for creating the plan, review and approval of the plan, with an established schedule for seasonal temperature monitoring, reporting, and BMP implementation plans, project milestones, completions, efficacy evaluation, and total annual budget invested per Section 5.3.6 and 5.4.

Page 18 -19. 5.3.4 Implementation of public involvement
"This component *must align* with the nine key elements for watershed-based plans, as described in EPA's Handbook for Developing Watershed Plans…''

Comment:
Tribal staff are unclear as to whether this document is the best reference for the Columbia River mainstem and why this is a requirement rather than a resource, per the language. It is unclear if DEQ is asking all the DMAs on the mainstem and the tributaries to work together or if that would be an appropriate goal. And, while well written, the document is also lengthy, dense and makes it hard to identify what the nine elements are.

Perhaps DEQ is providing this as a resource to guide the writing of the DMA's plan? This document seems more appropriately recommended for small communities with watershed councils and soil and water conservation districts as a guide to working collaboratively to make a comprehensive plan, but Figure 2-1 is a useful summary of process thinking that DEQ might consider placing inside the WQMP.

Public Involvement

Comment:
The Tribe requests that DEQ provide notification of when Columbia River Main Stem DMA Plans are being finalized for DEQ for review so the Tribe can engage in consultation with DEQ and the DMA, as applicable.

Page 21. "This [monitoring] effort will be progressive, starting with review of existing data and monitoring locations, then adjusted as needed to improve understanding of current water quality status."

Comment:
Add suggested language: "DEQ suggests establishing local area committees of various interested entities to augment and compliment monitoring activities to leverage scientific understanding of heat dynamics and effects to salmon migration. Including but not limited to: DEQ, WA ECY, Tribal Nations, USGS, NOAA, etc.

Page 22. 6.2 Plan and schedule for reviewing monitoring information. And Page 22. Reasonable assurance of implementation and Page 23. 7.1 Accountability Framework
"DEQ considers entities complying with DEQ-approved TMDL implementation plans to be in compliance with the TMDLs." "EPA past practice directs this determination include… (3) have a high likelihood of implementation.
Page 23. "…and DEQ enforcement of TMDL implementation plans will all be used to ensure that the goals of this TMDL are met."

Comment:
What happens if the Federal government does not approve US ACE's budget request? The Tribe has been told by US ACE in Willamette Valley project meetings that they cannot respond unless officially approved to do so with an authorized budget of an appropriate amount. As a result, the agency has a track record of not meeting beneficial fish passage study reports or equipment installation deadlines for the Willamette Valley Project. Staff

are not accusing local US ACE staff of not wanting to engage in efforts to protect salmon but are noting that due to the level of hierarchy within the agency, it may be difficult for them to commit to budget and timeframes and point to inadequate funding beyond their control.

Page 24. 7.1 Accountability Framework
"More specific timelines, milestones, and measurable objectives will be specified in each required implementation plan."

Comment:
This sentence should add a reference to Section 5.3 and 5.35 and DEQ should add timeline detail in these sections relative to 5- and 10-year timeframes.