



State of Oregon  
Department of  
Environmental  
Quality

## Memorandum

From: Jennifer Wigal, Water Quality Program Manager *JW*  
To: DEQ Water Quality Staff  
Re: Implementation of Cool Water Species Criterion for Klamath River sucker  
Date: March 6, 2017

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This memorandum describes DEQ's interpretation and application of the Cool Water Species narrative criterion for temperature (OAR 340-041-0028(9)) to the 5 miles of the Link River and Klamath River associated with the urban area for Klamath Falls. The designated aquatic life use for this reach is "cool water species" (OAR 340-041, Figure 180A) and this interpretation is based on the native cool water species present and their thermal requirements.

Questions regarding this memo should be addressed to Debra Sturdevant (503-229-6691, [sturdevant.debra@deq.state.or.us](mailto:sturdevant.debra@deq.state.or.us)) or Aron Borok (503-229-5050, [borok.aron@deq.state.or.us](mailto:borok.aron@deq.state.or.us)).

### Background

In 2015, the U.S. Fish and Wildlife Service published a biological opinion on Oregon's temperature standard. This re-consultation on Oregon's 2003 standards, which USFWS originally consulted on in 2003, was in response to litigation, Northwest Environmental Advocates vs. USEPA (Case No. 3:05-cv-01876-AC, D. OR, 2012).

The biological opinion directed USEPA to request that DEQ revise its implementation guidance for temperature to ensure the protection of Lost River and shortnose suckers in a 5 mile reach of the Klamath and Link Rivers. The opinion requests that DEQ specify how it will apply the temperature criteria for cool water species in this reach.

### Standards Interpretation: Cool Water Species Criterion and Human Use Allowance

Water temperatures greater than a 7-day average maximum (7dAM) temperature of 28°C would reasonably be expected to impair the cool water species present in the 5 mile reach of the Klamath and Link Rivers associated with the urban area for Klamath Falls. Therefore, no more than a 0.3°C increase, the human use allowance, shall be permitted when the water temperature is 28°C or greater. Please note that the basin specific criterion at OAR 340-041-0185(2) also applies for NPDES permitted point sources.

### How to assess whether the river temperature will impair cool water species

The 7dAM of the stream temperature is calculated as described in the methodology in Section 3.2 of the Temperature Water Quality Standard Implementation IMD. If the 7dAM at any time is 28°C or greater in this reach, except during unusually high temperatures or low flows as outlined in the temperature water quality standard, DEQ will determine that the the cool water species narrative criterion is not being attained in this reach for purposes of CWA section 303(d) assessments.