

Panhandle Basin Advisory Group
 Idaho Department of Fish and Game
 2885 W Kathleen Avenue, Suite 1
 Coeur d'Alene, Idaho DEQ
 September 5, 2012
Draft Meeting Notes

| Members and Alternates Present | Guests Present |
|--|-----------------------|
| Vince Rinaldi – Water-Based Recreation | Tom Herron - DEQ |
| Scott Fields - Coeur d'Alene Tribe | Glen Pettit - DEQ |
| Jack Filipowski - Agriculture | Kajsa Stromberg - DEQ |
| Dan Dinning – Local Government | Robert Steed - DEQ |
| Kennon McClintock – Timber | Craig Nelson - DEQ |
| W. C. Rust – Mining | Craig Cooper - DEQ |
| Patty Perry – Kootenai Tribe | Kristin Larson - DEQ |
| | June Bergquist - DEQ |
| | Vonnie Hendrex - DEQ |
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The Panhandle Basin Advisory Group (BAG) meeting was called to order at 9:05 a.m. by Vince Rinaldi, the BAG Chair, at Idaho Department of Fish and Game, in Coeur d'Alene, Idaho. He asked that introductions be made around the room.

The minutes were reviewed from the October 24, 2012 BAG meeting. Vince Rinaldi asked for a motion to pass the minutes. The motion was made by Bill Rust and seconded by Scott Fields. The motion passed.

Review of Agenda

The agenda for today's meeting was reviewed by the BAG Members and a correction was requested concerning the date of the next meeting (for 319 presentations). Today's Agenda stated it would be on Thursday, October 24, 2013, which should be corrected to read Wednesday, October 23, 2013. It was agreed to alter the order of the Agenda to accommodate Patty Perry who needed to leave early.

DEQ Update - New Staff Members

Tom Herron informed the BAG members that three new staff members have been added to DEQ recently: Jamie Brunner (LMP Coordinator), Dr. Craig Cooper (LMP Limnologist), and Robert Witherow (LMP Technician). See handout – New Staff.

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DEQ Update – Kootenai River TMDL

Bob Steed provided a power point presentation and discussed the new strategy paper that informs the WAG how their TMDL is going to work and informs the EPA and DEQ what

we are going to prepare for them. The strategy paper will likely be the template for the PNV TMDLs. The Kootenai/Moyie PNV addendum is almost ready to go out for public comment. He described some new innovations being used that better show the problem areas. . It was stated that potential natural vegetation is the criteria we have to meet; not temperature. Tom Herron reported there is now a lawsuit in Oregon with regard to how natural background is applied; so it is possible this issue may be drug into courts in other states as well. It adds another dimension of uncertainty. June Bergquist stated that it depends on the TMDL. It can be structured in a way to not add any more temperature or to require a reduction. Kajsa thinks you can do a TMDL and include an allocation for temperature. Patty Perry commented that using PNV was the common sense approach. Bob Steed reported there are seven numeric criteria (which developed from academic studies) that must be considered by each beneficial use. Temperature and sediment are currently the two big things that limit fish populations and we try to keep those within the most reasonable limits. DEQ's responsibility is to implement the Clean Water Act. Another innovation we made was cleaning up all of the significant figures in the tables so our output wasn't artificially elevating our understanding of doing PNV TMDLs. Kajsa Stromberg stated that sometimes there are so many factors impacting a fishery that you have to look at the larger picture of which different pollutants there are and what habitat there is to work with and sometimes you can end up looking better on 3 out of 5. However, if there are impairments it is still a problem. Bill Rust commented that someone should go to the Supreme Court and ask about the authority of EPA and the states regarding the Clean Water Act.

DEQ Update—Kootenai River TMDL

~~Bob Steed provided a power point presentation and discussed the new strategy paper that informs the WAG how their TMDL is going to work and informs the EPA and DEQ what we are going to prepare for them. It will be the template for the PNV TMDLs and it is almost ready to go out for public comment. He described some new innovations being used that better show the problem areas. Comparisons are now made to target shade. It was stated that potential natural vegetation is the criteria we have to meet; not temperature. Tom Herron reported there is now a lawsuit in Oregon with regard to how natural background is applied; so it is possible this issue may be drug into courts in other states as well. It adds another dimension of uncertainty. June Bergquist stated that it depends on the TMDL. It can be structured in a way to not add any more temperature or to require a reduction. Kajsa thinks you can do a TMDL and include an allocation for temperature. Patty Perry commented that using PNV was the common sense approach. Bob Steed reported there are seven numeric criteria (which developed from academic studies) that must be considered by each beneficial use. Temperature and sediment are currently the two big things that limit fish populations and we try to keep those within the most reasonable limits. DEQ's responsibility is to implement the Clean Water Act. Another innovation we made was cleaning up all of the significant figures in the tables so our output wasn't artificially elevating our understanding of doing PNV TMDLs. Kajsa Stromberg stated that sometimes there are so many factors impacting a fishery that you have to look at the larger picture of which different pollutants there are and what habitat there is to work with and sometimes you can end up looking better on 3 out of 5. However, if there are impairments it is still a problem. Bill Rust commented that~~

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DEQ Update – BURP

Craig Nelson provided a wall map as a visual aid and a couple of handouts (2). He reported that DEQ hired three seasonal employees for the BURP season, which is generally three months of field work. The map gives you an idea of where they have been and the data they have collected. It takes about a year to get the lab results back so we want to BURP ahead of time. 81 assessment units were surveyed this season, 27 sampled and had BURP data collected on them, and 54 were not sampled because they were dry or had limited flow and could not be sampled. A full BURP survey was not done when it didn't meet the criteria. The red crosses indicate that random survey that was done by a crew out of Boise. Several were collected in north Idaho. They put out another report on a probabilistic survey the shows their data. It shows the condition of the state as a whole because it has been randomly chosen (to exclude any bias) by latitude and longitude which is for an actual stream layer. Glen Pettit remarked that some sites are not assessed due to lack of accessibility to them. In reference to the 54 non-sampled, Kristen Larsen stated that what they want to do for the 2014 Integrated Report is show those waters that are indeed intermittent off the un-assessed and under an intermittent category. Tom Herron remarked that the random survey is done because it is statistically convenient for the EPA's administration purposes. WAGs and BAGs roll out the sites and the assessments to bring it all together.

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DEQ Update – Rule Making

Tom Herron provided a handout and described the bottom line as being fish consumption rates. There are 88 toxics that they meld together to represent the fish tissue. Mercury, pcbs, and dioxin are certainly included. The toxics are defined by EPA. Scott Fields commented that we have assurances from EPA that they will accept nothing but a statewide number (a fish is a fish). The fish consumption rate study is to protect everybody but usually when you seek to protect everybody you are really protecting those who are most exposed to the pollutant. He added there are some species of fish that do not require a license, as well as subpopulations that rely on fish for their subsistence but do not have to purchase a license (tribal members). These things are not included in the EPA's telephone/written survey so it is flawed accordingly. Bill Rust commented that they may be setting standards that are not achievable. Scott Fields gave the example of how industry has been stopped from using bpa (bisphenol-A), the pollutant found in plastic bottles, and said that the same type of thing is achievable with many point sources. What Bill is referring to concerns implementation and they are not always on the same page. Scott added that we spent money, time, and effort to figure out how we're going to get to this number (it won't be 17.5) perhaps a lot more time should be spent on how we're going to implement various scenarios. We want consumption rates that are protective of people in Idaho. Some of our known problems are solvable and some are not but let's see where we can get to. Tom Herron stated that June Bergquist will cover anti-degradation in her report but DEQ's website will provide information about when the next rule making session will occur.

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DEQ Update – 2012 Integrated Report, HB 271

Bob Steed gave a power point presentation. ~~(please submit your slides used as handouts to include with mailings to absent BAG members?)~~ Category 5 means that it is impaired and needs a TMDL. Category 3 means we do not know. Category 4a means that a TMDL has been completed. It is still impaired in Category 4 but there is a TMDL in place. Waterbody assessment guidance (2002) is what we use to evaluate wade-able streams. We are currently using version 3. When we write an Integrated Report, we follow a principles and policies document. We are already preparing the 2014 report. We received significant comments from EPA this year. They focused on Boise's issues and Coeur d'Alene got off lightly. Statistically speaking, 13% of our streams still need TMDLs; 24% have TMDLs; and 34% represents those that we do not have enough data to make an assessment on (typically because there is either no water in them or we cannot access them). For larger rivers, we use senior staff evaluations and we don't have a protocol to follow; we collect more in-depth data and do more sampling than you would see on the wade-able stream. He reported that we have a similar one for lakes and 44% still require TMDLs and noted that they are a little more complicated. Tom Herron discussed Category 4b. Bob provided the random site data (what is the quality of the streams in the Coeur d'Alene region compared to those statewide/Twin Falls). It takes 50-60 samples before you can even describe the distribution of these samples. This is an example of how they use the random sites to make comparisons and gives us an idea of where we rank in the state of Idaho. In 1994, DEQ was focused on monitoring only problem streams; so, compared with Oregon, Idaho water quality looked as if it were in the pits. This mechanism allows compares to be made nationwide. Random sites generate the kind of information Congress wants to see. Craig Nelson stated that this year there were 50 sites and next year there will be an additional 50. The Coeur d'Alene region indicates 83% is fully supporting. Documents are available on our DEQ web site. Bob further reported that DEQ's Integrated Report was challenged by the Boise WAG because they did not feel they had enough representation on the report. Information has been distributed more widely (statewide) and the WAG's consultation has been more carefully documented. It is also believed that an increase in transparency will improve WAG relationships. We have improved the TMDL process by writing a Kaizen that now describes a streamlined process of TMDL development.

DEQ Update – Fernan Lake Nutrient TMDL

Kristen Larsen reported there are frequent blue-green algae blooms with high phosphorus concentrations. Because of the recreational beneficial use, it was listed as impaired. We have a protocol in place with PHD whereby we get the algae identified and enumerated applying WHO's standards. An exceedance prompts a health advisory that lets people know they should not eat fish organs because studies have shown that is where toxins accumulate. This is one of the first stormwater TMDLs that we have written. Urbanized stormwater and construction (projects one acre or more or contiguous) stormwater. The TMDL goes out for public comment on Tuesday and I will notify the WAG that is it going out for 30-day comment. The TMDL identifies several sources for phosphorus, among them Fernan Creek (65%), Fernan Village, as well as lawns and septic. There was additional discussion about blue-green algae. Kristen Larsen stated that awareness has been increased in reference to the common occurrences of blue-green algae blooms in the

Panhandle Region. Bob Steed added that the blooms are happening too often in Fernan Lake. Although algae need to grow in order to feed the fish, excess phosphorus typically means there will be more blue-green algae blooms. This occurs when the phosphorus ratio is higher than the nitrogen ratio. It is kicked off by temperatures hitting the bottom sediment at a certain time. After three or four weeks, the lake is usually clear the rest of the year. It was noted that Frank Wilhelm, U of I, has shown that increased nitrogen would decrease the occurrence of these algae blooms. Parts of Fernan Creek are impacted by Ag (no livestock, but hay production). It's a large watershed and the large amount of water coming in makes it a loader. For implementation purposes, the focus should be on some of the Ag production down below. The road is also one of the sources. A construction project degraded the creek and caused it to flood more. The farmers reported that their fields were flooding more than normal. Bill Rust commented that someone had created ~ three-foot high dam in the area. Kristen Larsen informed the BAG members that there has been a lot of controversy over that dam and how it may be impacting the wetlands. She added that all of Fernan Village has been incorporated into the City of Coeur d'Alene's wastewater system. A CVMP technician is now looking into whether or not greater anoxia (low oxygen) exists than we are currently aware of, but more data needs to be gathered in order to determine that. Scott Fields stated that within 24 hours of setting up anoxia a shallow lake (such as Round Lake) will get massive spikes of phosphorus; he agreed to provide DEQ with the data supporting this. Bob Steed noted that homeowners in Fernan Village have been using lawn fertilizer containing high amounts of phosphorus which have added to the situation.

DEQ Update – 319 Project

Kristen Larsen stated that this year there were four applications. She will send a letter and packet to each member by September 30, 2013. One is an implementation project on Fernan Lake; another is for the North Fork of the Coeur d'Alene (primarily Beaver Creek); another is a restoration project by IDFG on Cocollala Lake; and, another is to continue with the roadwork in Benewah County. Kristen asked the BAG members if they would be interested in a tour of projects that have been implemented. It was suggested that they be provided with a power point presentation instead. Kristen said she could follow up with that next spring.

DEQ Update – North Fork Coeur d'Alene

Kajsa Stromberg reported that the temperature TMDL was finished and went out for public comment. It was submitted to EPA and we are now waiting for the approval letter. With a very active WAG, we have been emphasizing the Beaver Creek Watershed. We have been participating in the Forest Service Beaver Creek Project and our Beaver Creek Watershed Assessment was completed in March to provide background for that project. A copy was circulated for the BAG and CDs were made available. This assessment was done by DEQ, along with the Forest Service and U of I Extension. The Forest Service's EIS came out for public comment and they are now at the critical stage of waiting to see what kind of objections may surface and whether or not it will end up going to court. Another concern has been with recreation on the North Fork. During the summer, there are thousands of people with rafts, etc. This year we launched the "Respect the River" campaign more publicly using Facebook and it has really taken off. It received 1,500

likes in the first two weeks. Kajsa announced that the Second Annual River Cleanup will occur on Saturday, September 7, 2013.

DEQ Update – Restoration Partnership

There is a long history of mining in the Coeur d’Alene Basin and mine wastes contaminated with metals were released widely in the environment. EPA is handling the cleanup through the Superfund. In addition to this cleanup, there was a series lawsuits with regard to injured natural resources (fish, wildlife, groundwater, plants, vegetation, soil, sediment, etc.). All of these settlements combined created a pot of money (\$140 million). We are now working on a restoration plan that will guide us in the implementation of projects to restore the natural resources that were injured. Kajsa provided Restoration Partnership brochures to the BAG members. Currently, the Partnership has been emphasizing five subbasins: South Fork Coeur d’Alene, North Fork Coeur d’Alene, Coeur d’Alene Lake, St. Joe/St. Maries, and the Upper Spokane.

The Restoration Partnership consists of the Fish and Wildlife Service, Bureau of Land Management, Forest Service, Coeur d’Alene Tribe, Idaho Department of Fish and Game, and DEQ. Kajsa Stromberg is DEQ’s representative on the planning team. We are completing the plan following NEPA (National Environmental Policy Act), which requires significant public involvement. We have just completed a public scoping process to guide development of the draft restoration plan. The draft plan and Environmental Impact Statement will be released for public comment before being finalized. Once the plan is finalized, we can carry out projects. Partnerships and leveraging funds will be essential to make the most “bang for the buck” with the settlement funds.

DEQ Update – North Fork Coeur d’Alene and Restoration Partnership

~~Kajsa Stromberg reported that the temperature TMDL was finished and went out for public comment. It was submitted to EPA and we are now waiting for the approval letter. With a very active WAG, we have been emphasizing the project on Beaver Creek (Forest Service) and our watershed assessment was completed in March but the BAG may not have seen it yet. DEQ, along with the Forest Service and U of I Extension Office, went through and did an inventory of bio data and collected BURP data to verify status and did a watershed assessment. The Forest Service’s EIS came out for public comment and they are now at the critical stage of waiting to see what kind of objections may surface and whether or not it will end up going to court. Kajsa informed the BAG members that she has copies of that on a cd if they want one. Another concern has been with recreation on the North Fork. During the summer, there are thousands of people with rafts, etc. This year we launched the “Respect the River” campaign more publicly using Facebook and it has really taken off. It received 1500 Likes in the first two weeks. Kajsa announced that the Second Annual River Cleanup will occur on Saturday, September 7, 2013.~~

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~~provided Restoration Partnership brochures (handout) to the BAG members. The infusion of restoration dollars to the Coeur d'Alene Basin will go a long way to help in this inter-agency effort.~~

DEQ Update –Lake Management Plan

Glen Pettit provided a power point presentation (slide handouts?) showing that on core monitoring there were no rain-on-snow events (floods) this year. We usually sample if there are flood events. Cougar Bay was added. Craig Cooper commented that new sampling has been done that includes DO, nutrients, metals. At 8 or 9 meters we began getting an oxygen transition; below two at about 11 meters ... we got a sample at the transition level and another at the bottom. We had zero oxygen up to about 14 meters depth. Glen noted it is rising more to the surface. He also noted that Eurasian Milfoil (EM) was found in Mica Bay. Tom Wolf was contacted and it will be treated. Linda Ely, KC Noxious Weeds, informed Glen that the lateral lakes now all have EM. Although treated two or three years ago, it has not only returned; it has spread. We will start Kidd Island Bay next week now that there will be low traffic. We have plans to put another sampler at Wolf Lodge Creek that will provide data we can access from the Internet. Two weather stations have been installed on the lake (one at Camp Cross and one at the Hagadone Golf Course).

DEQ Update – Spokane River NPDES Permits

The first three NPDES Permits June Bergquist reported on were the City of Coeur d'Alene, Hayden Area Regional Sewer Board (HARSB), and the City of Post Falls. The public comment period is open until October 3, 2013. These permits have more stringent rules for nutrients, with new limits for cadmium. These permits have 10-year compliance schedules associated with them. With the anti-degradation rule revisions, waters that are high priority for development of TMDLs will no longer be held to “hold the line” on pollutants causing the impairment. It is being replaced with language that says you should not further impair beneficial uses. Two of the dischargers are proposing design flow increases. To determine if the increase of pollutants is a significant degradation of high quality water (the Spokane River is a high quality water for recreational uses) a significance test was done. However, due to EPA’s disapproval of that section of the Idaho Water Quality Standards this test is now invalid. .

The next three NPDES Permits June reported on were Page, Mullan, and Smeltonville. She noted that these permits are associated with 20-year compliance schedules (longest that Region X has) because they have not been able to meet the limits for metals discharges. Previously this was taken care of by variances but after many meetings it was decided to try a compliance schedule instead. Several upgrades will need to be done. The facilities have a huge inflow and infiltration problem that also needs to be addressed. For example, Page has a design flow of 4.3 mg/day yet they experience seasonal flows of up to 6.1 mg/day. During these high flows wastewater is essentially not getting treated. Theoretically, they shouldn’t have a lot of metals in their discharge because their drinking water doesn’t have a lot of metals.

The last two draft NPDES Permits June mentioned were City of Sandpoint and Kootenai Ponderay. DEQ has not yet provided draft certifications for these two facilities.

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~~Dan Dinning requested that the BAG meet quarterly in the future to provide more cohesion. Tom Herron stated that Patty Perry had the same request. He stated that DEQ now has access to a meeting room they can depend on and our budget is coming back in such a way as it can support more meetings. After some discussion, it was agreed to attempt to have four meetings: April – August – October (for 319) – and mid-January~~

Jack Filipowski made a motion to adjourn the meeting. Dan Dinning seconded the motion and the motion passed. Chair, Vince Rinaldi adjourned the BAG meeting at 11:50 a.m.