

Mid Snake Watershed Advisory Group

Meeting Minutes

Department of Environmental Quality
650 Addison Avenue West, Suites 110, Twin Falls, Idaho
September 24, 2013

A meeting summary for the Mid Snake Watershed Advisory Group (WAG) meeting on September 24, 2013, were written by Ron Steg of Tetra Tech. It is suggested that the WAG approve the attached summary as minutes for the meeting with the following changes:

- The following is added as a second paragraph in the minutes:

Randy MacMillan read the attached Clear Springs Foods comments and asked for a motion that the Mid Snake WAG enter into formal consultation with DEQ in conformance with Idaho Code 39-3611 to work through the Tetra Tech report and all future Mid Snake TMDL considerations in perpetuity. The motion was seconded by Brian Hoelscher and unanimously approved by the WAG.

- Page 2, third paragraph, the last sentence, Bruce and Leigh state the duration and frequency of TP load was not defined. However, the graph Bruce was presenting was related to an average annual value and Bruce indicated that he would look at it in the same way.

As a side note: in the November WAG meeting Sonny confirmed that it is an annual average. Brian Hoelscher would like that comment memorialized that the target is an annual average and is defined according to Sonny.

- Page 2, paragraph 4, first sentence. IDQ should read DEQ.
- Page 2, paragraph 4, last sentence. Spelling error, the word should be review.
- Page 2, paragraph 5, first sentence. Should read: Brian Hoelscher then inquired about how the subbasins where separate TMDLs had already been completed were accounted for.
- On Page 3, Bulleted points by Marti and Leigh, first bulleted point, first sentence. There was no motion or vote taken. The statement will be changed as follows:

It would be preferred that input/comments be consolidated by the WAG prior to submittal and provided to Leigh Woodruff no later than November 30, 2013.

The audio tape of this meeting is part of the administrative record.



WAG Chairman

5/19/2014
Date

**Reevaluation of Mid Snake/Upper Snake Rock Subbasin TMDL:
Data Summary, Evaluation, and Assessment**

**Mid Snake Watershed Advisory Group Meeting
September 24, 2013**

Attendees

Mid-Snake WAG:	Mike Trabert
IDEQ:	Sonny Buhidar, Katie Shewmaker, Sandy Gritton, Sue Switzer, Marti Bridges, Craig Thomas, Bill Allred, and Rich Bupp
EPA:	Leigh Woodruff
Tetra Tech:	Bruce Cleland and Ron Steg
Clear Springs Foods:	Randy MacMillan and Andy Morton
Idaho Power:	Jim Younk and Brian Hoelscher
Idaho Fish and Game:	Richard Lowell
Northside Canal Company:	Larry Pennington and Ryan Gailey
Twin Falls Canal Company:	Brian Olmstead
City of Twin Falls:	Jason Brown
Aquaculture:	Mark Daly
University of Idaho:	Clarence Robison
Blind Canyon AquaRanch:	Linda Lemmon and Gary Lemmon
Senate:	Bert Brackett

Mike Trabert, Mid-Snake WAG Chairman, provided the welcome and introduction at 6:00 pm. The WAG then reviewed and approved the previous meeting minutes. Randy MacMillan, Clear Springs Foods, then made a request to enter into formal "Consultation" with IDEQ focusing on review of the EPA/Tetra Tech reevaluation of the Mid Snake/Upper Snake Rock Subbasin TMDL and the associated review timeline. A letter detailing the consultation request was provided to Mike Trabert. Sonny Buhidar stated that DEQ needs to have a formal written statement from the WAG requesting consultation. DEQ must provide to the WAG all the available material that is necessary for the WAG to conduct their review. Marti Bridges provided background pointing out that this was an informational meeting and the primary

purpose was for Tetra Tech (EPA's consultant) to provide a summary of their reevaluation. Marti indicated that the data considered in the reevaluation will be made available to the WAG and that the review period can be extended to the end of November. Leigh Woodruff indicated that EPA and Tetra Tech were present to provide a summary of the reassessment and to solicit input from the WAG. Leigh also relayed that while funding is currently available to continue with some level of work on this issue, there is uncertainty regarding the availability of funding in the future.

Bruce Cleland then presented Tetra Tech's reevaluation of the Mid Snake/Upper Snake Rock Subbasin TMDL (Attachment A). The following presents highlights from the discussion that followed the presentation.

Brian Hoelscher, Idaho Power, asked how the total phosphorus target was expressed in the TMDL in terms of duration and frequency (e.g., as an average or not to exceed value?). Bruce Cleland and Leigh Woodruff indicated that duration and frequency was not defined.

Brian Hoelscher also asked IDQ and EPA whether there could be informal discussions of technical and policy issues with the two agencies during the WAG review period. Marti Bridge and Leigh Woodruff indicated the agencies could have such discussions during the review period.

Brian Hoelscher then inquired about how the subbasins for where separate TMDLs had already been completed were accounted for. Bruce Cleland indicated they were accounted for in the mass balance, and Leigh Woodruff stated that basing the analysis on current conditions in the mainstem accounted for them.

Brian Hoelscher went on to state that Idaho Power felt that the overall objective was to control nuisance aquatic plants. He stated that Idaho Power believes the problem may be more linked to flow and habitat alteration than nutrient loading and suggested that DEQ consider creative alternatives to solving the problem (i.e., in addition to or other than just reopening the TMDL and focusing on TP concentration and loading).

Marti Bridges stated that DEQ doesn't know if they will open the TMDL at this point but agreed that if the TMDL is reopened DEQ might consider new or different targets. Marti went on to state that "pollution" issues (e.g., habitat or flow alteration) can't be addressed well through the traditional TMDL process but should be considered in the implementation phases. Brian Hoelscher stated that we might need to reduce bed habitat to reduce macrophytes.

Randy MacMillan asked if the available data is adequate for regression analysis relating concentration to flow. Bruce Cleland thought there probably was adequate data but that seasonality and the inputs from upstream would need to be considered. He recommended flow duration curves as a method to examine water quality relative to flow. Randy MacMillan stated that Clear Springs Foods has done some regression analysis but didn't see a strong correlation between flow and concentration. Brian Hoelscher reported a similar experience.

Mike Trabert pointed out that the City of Twin Falls conducted a ground water study in the 90's for the

south side of the river that may provide useful information. He also stated that it might be possible to glean some useful data from the USGS Twin Falls gaging station.

Mike Trabert then suggested that it might be a good idea to re-run the RBM-10 model that was used to define the original TMDL target (using the data collected since that time) to see how things have changed. Leigh Woodruff stated that EPA still has the model and expertise to run it.

Brian Hoelscher recommended that DEQ look at the original model before using it to ensure that it adequately handles aquatic macrophytes. Clarence Robison, University of Idaho, recalled that the model did not likely handle macrophytes well. He also reported that he may have additional data from mid-90's and 2000s.

Marti Bridges and Leigh Woodruff closed the technical discussion by stating that:

- It was agreed that input/comments will preferably be consolidated by the WAG prior to submittal and provided to Leigh Woodruff no later than November 30, 2013. It was noted that this was the deadline for technical input. Discussions regarding policy decisions/questions will likely continue after that time.
- Separate comments and questions are welcome (call Marti or Leigh).
- Bruce Cleland and Marti will provide the data sets that were used for the re-evaluation. Two sets of the data (in electronic format) will be provided to Mike Trabert.
- Others interested in the data were directed to provide contact information to Sue Switzer.
- DEQ and EPA are interested in both pre and post-TMDL data.
- No timeline has been established yet for defining the next steps after the reevaluation is completed. Leigh indicated that the timeline for the final report will be dependent upon the data/input received from the WAG and that EPA will finish the document as quickly as possible after receipt of comments.
- Marti pointed out that DEQ doesn't see trading as something that can be considered until at least the re-evaluation is completed and that the timeline for looking at trading may be next summer.
- Marti stated that formal response to comments won't be provided but they will make an effort to acknowledge and address the comments.

CSF Comments and 39-3611 Motion for Middle Snake WAG Meeting

September 24, 2013

6 – 8 pm

IDEQ-Twin Falls Regional Office

Clear Springs Foods and other members of the mid-Snake Water Shed Advisory Group have been requested to review and provide comment on the Tetra Tech draft report on assessment of water flow, water quality, and other data relevant to the Upper Snake-Rock phosphorus TMDL. Without consulting with the Mid-Snake WAG, IDEQ and EPA provided technical direction to Tetra Tech as to the elements of the assessment. Tetra Tech's draft report was delivered by IDEQ to the WAG on Sept. 3, 2013 requesting review within about 30 days. About 7 months earlier, on Jan. 24, 2013 the Mid-Snake WAG requested IDEQ to allow at least a 60 day period to review the draft report, whenever it was released. IDEQ has not honored that request. The draft report does NOT provide hard data which is essential for Clear Springs Foods to evaluate the Tetra Tech analysis and to confirm appropriate Quality Assurance and Quality Control was applied. In the draft report discharge data from our production facilities appear inconsistent with our DMR submissions yet we have no means to reconcile the differences. In our view the technical direction developed by IDEQ and EPA for Tetra Tech may have been in error since it did not appear to include other data or factors relevant to the Upper Snake Rock phosphorus TMDL. In our view the result is a draft assessment report that fails fundamental scientific objectivity, ignores other factors more likely impacting the occurrence of nuisance aquatic plants in the river which is the purpose for the TMDL and most importantly will not further the cause for improved Mid-Snake River water quality and beneficial use.

There does appear to be a remedy that will address at least some of these concerns. Idaho Code section 39-3611(7) & (8) provide the authority for the periodic assessment and that a WAG may request "consultation". Pursuant to section 39-3611(8)(a) such consultation requires IDEQ to provide all available information in the possession of the department concerning the subject of the consultation. Further, it requires IDEQ to utilize the knowledge, expertise, experience and information of the WAG in making the determination that is the subject of the consultation and to consider the WAG's recommendation regarding the determination that is the subject of the consultation. Finally, subsection 36-08(c) dictates that the WAG has an "adequate opportunity to participate." Clearly, the WAG needs more time and information to provide constructive input.

Motion: Clear Springs Foods moves that the WAG immediately, prior to the presentation from Tetra Tech, enter into formal consultation with IDEQ in conformance with Idaho Code 39-3611. The subject of the consultation includes the draft Tetra Tech report and all other mid-Snake TMDL considerations in perpetuity.