

# Mid Snake Watershed Advisory Group

## Meeting Minutes

Department of Environmental Quality  
650 Addison Avenue West, Suites 110, Twin Falls, Idaho  
February 12, 2014

### Attendees

Mike Beus – Bureau of Reclamation  
Jason Brown – City of Twin Falls  
Richard Bupp – DEQ, Twin Falls Regional Office  
Mark Dallon – US Forest Service  
Brian Hoelscher – Idaho Power Company  
Gary Marquardt – SeaPac of Idaho  
Andy Morton – Clear Springs Foods  
Katie Shewmaker – DEQ, Twin Falls Regional Office  
Sue Switzer – DEQ, Twin Falls Regional Office  
Craig Thomas – DEQ, Twin Falls Regional Office  
Mike Trabert – McClure Engineering  
Jim Younk – Idaho Power Company  
Sean Woodhead – DEQ, Twin Falls Regional Office

### Welcome

The meeting of the Mid Snake Watershed Advisory Group (WAG) was called to order at 6:00 p.m. by Mike Trabert, WAG chairman. The attendees introduced themselves.

### WAG Business

#### • **Review of minutes**

The minutes for the September 24, 2013 meeting with Tetra Tech were reviewed at the last meeting but not approved. The following comments were received at this meeting:

- Brian Hoelscher: Page 2, third paragraph, the last sentence, Bruce and Leigh state the duration and frequency of TP load was not defined. However, at one of these meetings Sonny confirmed that it is an annual average. I would like that comment memorialized that the target is an annual average and is defined according to Sonny.
- Andy Morton: My notes indicated that the statement made by Bruce and Leigh indicated the duration of frequency was not defined, but the graph Bruce was presenting was related to an average annual value and Bruce indicated at that point in time, didn't state it specifically, but indicated that yes, it would be looked at in the same manner. Meaning, Brian's question was related to the target or the 0.075 mg/L.
- Brian Hoelscher: In other WAGs, when it's not stated and even though it has been stated in the TMDLs, DEQ has gone back and interpreted it at a later time and differently. And so it is an issue

that it is not clearly defined what the target is, I think in moving forward that would be very helpful for us to know what the duration and frequency is.

- Andy Morton: Page 1, paragraph 1, after consultation, line 6, we would suggest that the following be inserted: “Randy MacMillan made a motion that IDEQ enter into formal consultation with the Middle Snake River WAG to work through the draft Tetra-Tech report and all future TMDL issues. The motion was seconded by Brian Hoelscher, the motion was unanimously approved by the WAG.
- Andy Morton: Page 1, paragraph 1 – the letter provided to Mike Trabert, by Randy MacMillan should be included in the minutes as an attachment. It was not noted in the minutes as an attachment
- Andy Morton: Page 3, bulleted point by Marti and Leigh, first bulleted point should be changed to read “it would be preferred the comments be consolidated by the WAG prior to submittal and provided to Leigh Woodruff no later than November 30<sup>th</sup> 2013. We do not agree with Marti’s statement that it was agreed upon. There was no motion, there was no vote, there was no – nothing in our notes. She took a bold position.
- Andy Morton: We suggest the audio recording of the September 24<sup>th</sup> be included as an attachment.
- Andy Morton: And to add spelling. Page 2, paragraph 4, last sentence, second to the last word should be “reviewed”.
- Andy Morton: Page 2, 5<sup>th</sup> paragraph, first sentence that Brian Hoelscher “inquired about how the subbasins for where separate TMDLS” strike the word “for” just for proper English.
- Brian Hoelscher: Page 2, 5<sup>th</sup> paragraph last sentence. That’s true that the analysis accounted for the tributaries, but my question was how does the analysis account for full implementation of the tributary TMDLs. Because at this point there are tributary TMDLs that are required to do things and if they don’t look at where those tributaries will be under full implementation and look at evaluating the Snake River, we’re doing the tributaries load also. So I don’t think that is true, that the analysis they are conducting accounts for evaluating implementation of the TMDLs and if they were fully implemented, do we need to do more in our mainstem Snake. So I think that statement, that it accounts for, misrepresented what the question was.
- Sue Switzer: based on this WAG meeting, this discussion could be summarized and placed on the cover page attached to the Tetra-Tech generated minutes, if it’s the WAG’s pleasure. Those minutes would be brought back before the WAG for final approval.
- Mike Trabert: Where Bruce and Leigh’s comments have already been summarized, it seems like we’re interjecting what their intent was. We should be asking them to clarify the statements on the annual average and the last comment on tributary analysis. I recommend DEQ ask EPA directly for their intent in the statements.

A motion was made by Brian Hoelscher that the WAG ask for Bruce and Leigh to clarify their statement as to tributary loads were accounted for in the mainstem mass balance and to clarify if that is with current conditions or with future anticipated conditions with full implementation of tributary TMDLs. Andy

Morton added that the annual averages for the total phosphorus at 0.075 mg/L be clarified and seconded the motion. Motion carried unanimously.

- **By-laws**

A copy of current by-laws modified July 20, 2011, a list of executive board members, and a list of regularly scheduled meetings for the next 2 year were handed out at the meeting for discussion of possible changes.

There was considerable discussion concerning language in the by-laws particularly WAG membership and right to vote.

Brian Hoelscher asked, “Does the WAG membership include the public at large?” He believes it does not and the WAG is stepping beyond that in the by-laws. Brian provided a red-lined copy of the by-laws with suggested changes he believes would clarify who the WAG members are and stream-line any potential risks for the future; a copy is attached as part of the minutes. He also provided a copy of Idaho Code §39-5615 *Creation of Watershed Advisory Groups*. His interpretation of the code concerning WAG membership is the WAG consists of appointed representative of the industries and interests affected by the management of the watershed and not the public at large. He is not trying to exclude the public but looking at lowering the risks of the WAG being railroaded into doing something they don’t agree with.

Sue Switzer stated that in light of the recent house bill on consultation, it would be worthwhile to present the question to DEQ legal and get their say about it to be absolutely clear the WAG is not treading into areas they should not be.

Referring to Idaho code, Mike Trabert stated it is the duty of the WAG to employ all means of public involvement deemed necessary. He takes every effort to reach unanimity; and if there is contention, the executive board kicks in. If the public at large is not part of the WAG, the WAG would need to defer to the BAG to make sure there was representation fulfilled and then make sure those representatives attend the WAG meetings.

Andy Morton stated that the by-laws refer to a facilitator. The facilitator could be a way around the low risk of being inundated by the public. He agrees that wordsmithing would add clarity to the by-laws; however, there was insufficient time for review.

It was decided that the by-laws would be put back on the agenda at a later date. In the meantime, the members can read the by-laws and get comments back to Sue. Sue will present the by-laws in conjunction with §39-3615 to DEQ legal for comment. Sue will email their suggested response and an update of member comments including Brian’s edited copy to the entire WAG for consideration.

- **Membership**

The list of the executive board that was distributed is the most current list DEQ has. Rick Rodgers is no longer interested as a representative from the Soil Conservation District but was left on so the WAG could know who held the position previously.

It was brought up that Randy MacMillan was nominated for the food processor representative at the last meeting. That should be in the minutes.

The by-laws state that up to 2 alternatives may be chosen at the discretion of their representative voting board member. It was asked if those names need to be on the list. Mike Trabert responded that if you are

the one showing up to meeting, you should be the one representing the group. It would be good to have the alternates on the list. It would save in proxy paperwork. It would be better to release Jackie Fields as the representative and put Jason Brown in that position because he attends the meetings and makes the decisions. The WAG would need to contact each representative and see if they have alternate representatives to add to the list.

The BAG meets April 4. We need to get Randy's name and Jason's, if Jackie wants to make the switch, to the BAG by April 1.

- **Chairman**

The motion was made by Brian Hoelscher for Mike Trabert to maintain as chairman and Larry Pennington as vice-chairman. Larry was not present at the meeting; therefore, Sue will contact him and make sure he is OK with the nomination. The motion was seconded by Andy Morton and carried unanimously.

### **Reevaluation of Mid-Snake/Upper Snake-Rock – Update**

Sue Switzer provided an email updating the status of the Tetra-Tech report from Leigh Woodruff, EPA. The email listed the public comments that were received and that those comments would be responded to at the end of the process. EPA is the contact on the project at this time.

It was brought up that the comments from the WAG that were submitted in November were not listed in the email. It was requested that Sue verify the WAG comments were submitted and received, and also that they be included in the email list of those who commented.

### **2014 BURP Sites**

Sean Woodhead shared the 2014 BURP workplan. The spreadsheets that Sean used in his presentation are available to the WAG if requested; contact Sue. The applications for BURP crew are out now and interviews will start next month. If you know anyone that is interested, let them know.

### **Clean Water, 319, and Two Guys Named Jeff**

Katie Shewmaker showed a video about two completed 319 projects. This video was put together by the Balanced Rock Soil and Water Conservation District to have something to show people what is available and what is feasible. As an update of the 319 projects for this year, the super BAG went through all the projects and decided to withhold the decision until the funding comes through. Hopefully by June we will know who gets funding for this year.

### **DEQ Updates**

- **Surface Water Conference Highlights**  
Sue made available whitepapers from the Surface Water Conference. If anyone is interested in attending next year, contact Sue to be added to the mailing list. Sometimes they call for presenters, usually in August or September. When the notice comes out, we will try to get it out to the WAG. If you are interested, you can have the information.
- **2014 Calendar for Twin Falls Regional Office**  
Rich will be working on a 5-year review for the Camas Creek. The Mud Creek and Cedar Draw data collection is taking a majority of Rich's and Craig's time.

- 2012 Integrated Report

The call for data was closed December 27, but State Office is willing to take data. Get in touch with Sue to coordinate submittal to State Office. Brian suggested that there be a way to submit data on-line with a quality control method. It is difficult to get independent data into the system. Idaho Power will no longer be submitting data because they see no benefit in doing it. Mike Trabert ran into the same problem when he was at the city.

**Adjourn**

The meeting was adjourned at 7:50 p.m. by Mike Trabert, WAG chairman.

  
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WAG Chairman

  
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Date