

FINAL MEETING NOTES
Panhandle Basin Advisory Group
Idaho Department of Fish and Game
2750 Kathleen Avenue, Coeur d'Alene, Idaho
January 27, 2005

Members and Alternates Present

Adriane Borgias, Kootenai Tribe
Fred Brackebusch, Mining
Scott Fields, CdA Tribe
Robert Rider, Livestock
Liz Sedler, Environmental
Bernie Wilmarth, Non municipal permittees

Guests

Jim Colla, IDL
Donna DeFrancesco, Golder & Assoc
Jerry Hansen, citizen
Donna Harvey, DEQ
Scott Marshall, IDL
Patty Perry, Kootenai Tribe
Glen Pettit, DEQ
Glen Rothrock, DEQ
Bob Steed, DEQ
Ed Tulloch, DEQ
Michele Wingert, Kalispel Tribe

The meeting was called to order at Idaho Department of Fish and Game building in Coeur d'Alene, Idaho at 9:10 am on January 27, 2005 by Chairman Rob Rider.

There were no additions or corrections to the agenda or to the minutes, but there was no quorum. Chairman Rider continued the meeting with introductions all around the room.

Ed Tulloch discussed vacancies at the Coeur d'Alene DEQ office. Dave Mosier returned with his family to his home state of Pennsylvania. Bob Steed who worked in DEQ's state office took Dave Mosier's position. Darren Brandt moved on to private consulting. Shalan Dawson took a position with the Spokane County Conservation District. Shantel Aparicio decided to become a full time parent and resigned in December. The end result is that the Coeur d'Alene staff has been burdened with extra duties and some tasks have fallen behind schedule. Ed hopes that new people can be hired for some of these positions by the beginning of March.

Clean Water Act Section 319 Grants (Nonpoint Source)

Four 319 project proposals should be turned in to DEQ for technical evaluation by February 7, 2005. These applications will be for 1) a Bonner County study of alternatives to herbicides for Eurasian water milfoil infestation in state waters, 2) A proposal to study water quality impacts of Pend Oreille Lake marinas to counties, state lands, and waters and how to best site these facilities and control possible pollutants coming from them 3) St. Joe/St. Maries TMDL Implementation through road restoration projects to reduce sediment to streams by Benewah Soil and Water Conservation District (SWCD), IDL, Forest Capital and Potlatch and 4) Kootenai Shoshone SWCD may be seeking funding for a project on Hauser Lake. The BAG will hear the 319 proposals in April-May of 2005 and will prioritize them at that time.

All last year's projects were funded including Bear Paw road improvement and Twentymile Creek Fish Passage project in northern Idaho. EPA has approved the grant applications and DEQ is currently working out sub grant agreements with the project applicants.

Integrated Report (Clean Water Act Section 303(d) and 305(b))

Assessment Process

The 303(d) and the 305(b) Integrated Report has been assessed for the 2004 cycle. EPA's ADB software was used as well as the State of Idaho's IDASA software which is used to interact with ADB. BURP, temperature, outside, and private data were used. **The Water Body Assessment Guidance (WBAG)** was used to assess Northern Idaho's 2001/2002 BURP data. The Coeur d'Alene staff got together to assess these data, bringing to the table their personal knowledge of these watersheds. The product of this work is now at DEQ's state office.

Public Comment Period

DEQ's state office will be the lead on the public comment period for the Integrated Report and will write the press release announcing the public comment period. DEQ's State Office staff are still working on temperature issues and that is why they have not issued the press release. There will be a minimum of a 30 day comment period. The BAG decided they would prefer having a letter sent out announcing the public comment period, as not all members can be contacted by Email. The interaction between the commenter and the data will be web-based. The commenter should be able to click on a waterbody and be able to see all the data DEQ has collected on that waterbody. The commenter can click on a tab and enter a comment online. Written hard-copy comments will also be welcomed. Ed said that DEQ will try to schedule a meeting to demonstrate this technology to the BAG at about the time the press release asking for public comment appears.

Section 4-B

Section 4B of the integrated report is those waters for which a TMDL need not be done when "other pollution control requirements can be reasonably expected to result in attainment of the water quality standards." The USFS has asked EPA to consider allowing this designation to be used in Montana. Montana is in Region 8 of EPA, while Idaho is in Region 10. There may be some discrepancies in the way these two regions of EPA interpret their own rules, and this is not likely to be an option allowed in Idaho. Also, the USFS has investigated and has come to the conclusion that the paperwork requirements for the 4b designation may involve as much or more work than simply writing the TMDL.

2005 BURP Monitoring

The primary focus of this year's monitoring will be 1) those sites which have no BURP data (30% in N Idaho remains unsampled); 2) TMDL scheduled, 3) Trend sites, 4) DEQ staff requests/need for data 5) random sites-list generated by EPA. Each year the N. Idaho crew gets 40-50 sites done. EPA's random selected sites slow the BURP crew down as some of them are inaccessible, require hours of travel time to reach, or the sites can be dry. Monitoring follow up for TMDLs is not in place at this time. A question was asked about industry or projects that would degrade a waterbody and if there would be monitoring of those sites. The permit process, which often involves federal and state agencies, is one way of controlling degradation of a waterbody with a TMDL in place.

319 Funding and Oversight

Ed Tulloch responded to a question about 319 money being used for monitoring by saying that guidelines for using 319 grants are loosening. DEQ is always looking to additional funding sources for needed monitoring. In an answer to a question asking if 319 grants are checked to see if the BMPs worked and are being maintained, Glen Rothrock explained that a major component of 319 grants includes a section for continued monitoring of the site to see if the project is effective. In fact, the

recipients of the 319 grants often commit themselves to 5-10 years per project by not only putting the project in place, but by checking things such as: are the culverts working, has the project collapsed, has the sediment been reduced, etc. Ten percent of the grant money can be used for follow-up assessments of these projects.

Outside Data

DEQ puts out a call for data outside the agency to incorporate with their data on N. Idaho watersheds. DEQ has received limited response. Biological data (aquatic insects and fish) are the most often integrated in assessments. Chemistry data are compared against standards to evaluate for criteria exceedances. The agency does evaluate the data it receives to check for accuracy. A closer look should be given to mining data and data from other sections of DEQ. DEQ can use data not meeting their criteria, but a report must be written to justify the use of such data. The process for acquiring and using outside data is not without problems.

Spokane River Post Falls Dam Relicensing Process

Avista is in the process of reapplying for reapplying for FERC relicensing of the Post Falls Dam and four other dams in Washington State. The Post Falls Dam relicensing process has been arduous and incredibly complex. Some of the factors affecting this process include the relicensing of Avista's hydroelectric facility at Post Falls, the Washington state TMDL being written for the Spokane River, the NPDES permits reissuances, the Coeur d'Alene Tribe's treatment as state, and the Coeur d'Alene Basin plan.

Under the Clean Water Act, Section 401, DEQ's role is to certify that the Post Falls dam will not violate point source discharges and state water quality standards, and to consider that the license could be good for up to 30 years. DEQ has participated in the "Alternative License Procedure" (ALP)—the collaborative process that is in place. There is also a timeline that states that the final application for relicensing of the Post Falls dam is due in July of 2005.

As in any collaborative process, reaching a consensus is difficult, but the unusually large number of partners in this process (approximately 90) makes the process even more difficult. Some of the issues receiving the most attention by stakeholders and the press include maintaining the summertime Coeur d'Alene Lake level of 2128 ft. mean sea level and Washington State's Spokane River TMDL. Many stakeholders want the lake level to be 2128 ft. above mean sea level, but downstream stakeholders want more water in the river which would result in the lake level falling as more water was let through the dam. The Washington Spokane River TMDL calls for TMDL targets to be set at virtually background. Add to this the concerns of both Idaho and Washington dischargers (the various wastewater treatment plants) and the other TMDLs in the works, such as Hangman Creek, and the relicensing consensus becomes increasingly difficult to achieve.

The Coeur d'Alene Tribe and DEQ are concentrating at this time on evaluating the promised data from Avista's contractors. Discrepancies between the work plans vs. the final product and receiving data in a timely manner have raised concerns. Since the relicensing of the dam is for 30 years, both the Tribe and DEQ must be able to digest the data and make forecasts on their position as the effects of this dam and the timeframe of the relicensing are far-reaching and of vital concern to both the Tribe and the State of Idaho. DEQ has one year to evaluate certification once the license has been submitted for certification. Certification issue forecasts are being made to assist in collaboratively developing PM&Es (protection, mitigation, and enhancements).

Idaho DEQ's comments to Washington State on their Spokane River TMDL outlining their concerns are:

1. Do not finalize; document is premature
2. Evaluate the UAA (Use Attainability Analysis)
3. Idaho calibration
4. Modeling Discrepancies
5. Operating conditions at Post Falls Waste Water Treatment Plant
6. NPS TMDLs

Technical Discrepancies include:

1. Modeling Assumptions
2. BOD and Nutrients
3. NPS Evaluations
4. Assimilation
5. MOS (Margin of Safety)
6. 303(d) List
7. TMDL will not attain uses
8. Support Documents

If an Alternative Licensing Process (ALP) consensus is not reached, and if the deadline for submission for relicensing cannot be met, Avista can go to a year-to-year license. Idaho Fish and Game has weighed in also with further suggestions to increase minimum instream flow for fish downstream of Coeur d'Alene Lake, which may affect the 2128 ft. mean level of the lake and river flow in severe drought years.

BAG Meeting Notes

As a quorum was present, Adriane Borgias made a motion to accept the meeting notes of the last two meetings, Fred Brackebusch seconded the motion; the motion passed.

Kootenai-Movie TMDL

Coeur d'Alene DEQ staff has been working on this TMDL, but with loss of staff, the work is behind schedule. At the present time, staff are working on sediment loading by using models of sediment created by agriculture, forest practices, roads, railways, pipelines, and parcels with buildings. Several models are being used including McGreer and RUSLE (Revised Universal Soil Loss Equation). By isolating and pointing out these potential sources of sediment to creeks, landowners may be able to secure 319 monies to fix problems for watersheds and projects that were not eligible for 319 money previously.

Boundary Creek and Deep Creek Temperature TMDLs

DEQ Technical Services has begun work on the temperature TMDLs for these two creeks. They will assess natural conditions and will also look at natural vegetation to determine what cover was provided by the original native vegetation. With this process, they should be able to determine what temperature the creeks should exhibit.

Adriane Borgias mentioned that there was some remediation work upstream of Boundary Creek in Blue Joe Creek at an old mine site. At this point, a metals TMDL has not been started for either of these creeks.

Clark Fork TMDL

This TMDL has been re-formatted into DEQ's new format for TMDLs. BURP scores and other data have been incorporated into the document. NPDES permits have been incorporated also and with new staff hired this winter, this TMDL should proceed towards completion.

TMDL Implementation

The Phase II process of TMDLs is the implementation plan attached to each TMDL. Only two Implementation Plans are complete—the Nearshore Pend Oreille TMDL and the Coeur d'Alene Lake Tributaries. The Tri State Council, who has done the Pend Oreille Nearshore Plan, is also working on a Pack River Implementation Plan. Four issues surface in implementation meetings: 1) All agencies and private owners want credit for their dollars spent, i.e. some way to assess and to quantify how much reduction of pollutant has occurred 2) A way is needed to quantify new activities possibly adversely impacting the water shed (not all participants are in favor of this measure) 3) Tracking Method—there needs to be a method to track what effect new subdivisions, timber sales have on watersheds, etc. Idaho Dept of Lands is working on a tracking method. 4) Monitoring—this is always an important component of sediment reduction projects and the money to do monitoring is a concern, and monitoring schedules need to be worked out for each project.

In the Upper Spokane watershed, there are two groups currently working on implementation. Some projects are on the ground and operating, even though the implementation plans have not been written. Hauser Lake and Hayden Lake have active groups who are planning to update existing lake plans written by the Clean Lakes Coordinating Council, which would then become formal implementation plans.

The Cocolalla Lake Association is working to put together a grant for alum treatment for Cocolalla Lake. The Twin Lakes WAG has not formed. Idaho Department of Lands, Benewah SWCD, Potlatch and Forest Capital have submitted three 319 grant proposals. Ed and Glen Rothrock will attend a WAG meeting next week in Benewah County to discuss the 319 grant proposals.

Attendance and Chairmanship of BAG

Timber Industry, Agriculture, Environmental and Citizen at Large BAG memberships expired in December, 2004. Ruth and Liz will serve one more term. Liz would like Mike Mihelich to be her alternate.

Some discussion followed on how to replace vacant or non-attending memberships such as Water Based Recreation and Local Government. The group agreed that a letter should be sent to John Campbell to see if he wants to continue as Water Based Recreation member and that perhaps Ed could contact the Idaho Counties' and Cities' organizations for suggestions for a local government representative. The BAG suggested an advertisement in the local papers with a form to fill out to solicit for a Water Based Recreation member would be best and would yield the best candidates. Adriane Borgias made a motion to put together the ad for the Water Based Recreation member, Bernie Wilmarth seconded the motion; the motion passed.

The group agreed that if a member whose term is expiring wishes to continue on the BAG, they should write a letter to DEQ stating that they wish to continue as a member. If they do not wish to continue as a member, they have the option of suggesting a replacement to the BAG.

Donna agreed to look at past meeting minutes of the BAG to see who is in line for the next chairmanship, as numbers were drawn from a hat for a schedule for replacing the chairman every two years during at February 5, 2003 meeting.

The next meeting will be Thursday, April 28th at 9 am at Idaho Department of Fish and Game in Coeur d'Alene.

Bernie Wilmarth made a motion to adjourn the meeting, Liz Sedler seconded and the motion passed. The meeting was adjourned by Chairman Rob Rider.