

**Portneuf Watershed Advisory Group
December 16, 2008**

Group Memory

Snake River Conference Room, Pocatello Regional Office
Idaho Department of Environmental Quality

The Idaho Department of Environmental Quality Pocatello Regional Office hosted a Portneuf Watershed Advisory Group meeting on Tuesday, December 16, 2008 in the Snake River Conference Room at the Regional Office located at 444 Hospital Way, Suite 300 in Pocatello, Idaho.

Meeting participants included the following voting members of the Portneuf Watershed Advisory Group: Kim Gower (JR Simplot Company), Jon Herrick (alternate, City of Pocatello), M. Keene Hueftle (Southeast Idaho Environmental Network), Jim Mende (Idaho Fish and Game [IDFG]), John Sigler (City of Pocatello), Candon Tanaka (Shoshone-Bannock Tribes), and Roger Thompson (Southeast Idaho Flyfishers).

The following non-voting members were also in attendance: Greg Mladenka (Idaho Department of Environmental Quality [DEQ]), Andrew Ray (DEQ), Flint Raben (Idaho Association of Soil Conservation Districts [IASCD]), and Sue Skinner (U.S. Environmental Protection Agency [EPA]).

Members who were absent from the meeting included: Larry Ghan (alternate, Bannock County Commission), Wilder Hatch (Caribou Soil Conservation District), Brad Higginson (Caribou-Targhee National Forest), Kevin Koester, Bud Smalley (alternate, Southeast Idaho Flyfishers), Elliot Traher (Natural Resources Conservation Service), Louis Wasniewski (alternate, Caribou-Targhee National Forest), and Lin Whitworth (Bannock County Commission).

Wendy Green Lowe of P2 Solutions facilitated the discussion. This "group memory" documents discussion and decisions that occurred.

Review and Approval of April Group Memory

Since several months had past since the previous meeting, the April Group Memory was distributed to members for later review. Feedback and approval of the minutes will be solicited using electronic correspondence.

Introductions

Flint Raben introduced himself and explained that he was now representing the IASCD at WAG meetings. Amy Jenkins had previously represented IASCD.

Portneuf River Subbasin Biological Assessment

Andy Ray disseminated hard copies of the Final Version of the Biological Assessment. Additions since the previous version included an Executive Summary, Table of Contents, inclusion of USEPA Environmental Monitoring and Assessment Program (EMAP) macroinvertebrate data, USDA Forest Service fish survey results from 25 tributaries in the Caribou-Targhee National Forest, and IASCD bacteria summaries from Marsh Creek. Andy stated that the B.A. would be included in the TMDL revision as an appendix. He said the strength of this document is that it represents a current snapshot of the biological assemblages in the subbasin and will serve as baseline information for future biological monitoring efforts.

Andy Ray reported relatively healthy fisheries in much of the watershed. He did note that fish assemblages in locations where flows are low, temperatures are higher and dissolved oxygen sags are measured differ from assemblages in reaches where flow is supplemented by groundwater.

TMDL- Related Announcements

Sue Skinner announced that Bill Stuart with USEPA would be the point of contact while Tracy Chellis was on a detail.

Review of TMDL Loading Summary (Section 5)

Andy Ray announced that the draft TMDL revision that was distributed on 24 November 2008 was only Section 5; this section described the targets, loads, and waste loads in the subbasin. He requested feedback on the loading analysis that was presented thus far.

John Sigler requested that the document be more explicit in describing the methods and calculations used. He requested clarity on which dates were used for estimating flows and loads citing the use of 2004 to 2006 in some instances and longer records in other (e.g. 10% discharge of historic flows). He also asked that the terms "mean" and "average" not be used interchangeably in this document. Similarly, he wanted to know why the median was used in some cases in place of mean/average.

John Sigler also stated that he wanted the WAG to prioritize the development or update of implementation plans so that they could be submitted with or shortly after, submittal of the TMDL. John stated that the City of Pocatello's plan would be finished in 60 days and he hoped that other municipalities and stakeholders would do the same. A discussion followed about how important it is to document the progress of implementation plans since the last TMDL.

All discussed the fact there has been little assessment of the benefits of the previous implementation plans. For example, there is limited evidence available to determine if the Best Management Practices (BMPs) are actually working. It would be nice to know how whether the Implementation Plans have resulted in the desired changes.

Greg Mladenka committed to contacting Lava H.S. and Inkom about their implementation plans but said he knows of no mechanism to force an entity to revise an implementation plan. **John Sigler** suggested that DEQ request Implementation Plans in writing and document the responses received. **Greg Mladenka** responded that there is no mechanism to require revisions to Implementation Plans.

Keene Hueftle and **Sue Skinner** both expressed hopes that outreach and education efforts would be incorporated into future implementation plans. The WAG agreed that public education was essential and that TMDL success would require significant advances in public understanding of water quality issues in the subbasin. **Sue Skinner** stressed that the objective is not to produce a document, but to change behaviors.

Jon Herrick asked whether the personnel changes (Tracy Chellis to Bill Stuart) at the EPA would affect the NPDES permit process. **Greg Mladenka** and **Andy Ray** stated that several people at the EPA would participate in the review of the TMDL, loads, and waste loads and that Lindsay Guzzo would be charged with writing the NPDES permit and not Tracy or Bill. Neither **Greg** nor **Andy** anticipated any major problems. **Andy** committed to contacting Bill to discuss progress that has been made recently.

John Sigler indicated that he wanted to review some of the references cited in the draft TMDL. **Andy Ray** has all of the references. **John Sigler** will email Andy requesting copies or citations.

Jon Herrick asked whether groundwater flows were considered point sources. **Keene Hueftle** asked about the mechanisms for groundwater entering into surface water flow. **Andy Ray** clarified that surface and groundwater are linked and regularly exchanged. He also explained that groundwater flows are relatively constant compared to surface water flows. He noted that for regulatory purposes groundwater is not a point source. Andy said constant loading associated with some groundwater conditions can be likened to point sources because of the constant nature of loading (*sensu* Bowes et al. 2008). Andy stated that groundwater in the Portneuf River would not be characterized that way and that language in the revised TMDL would reflect this. He apologized for any confusion in this draft.

Candon Tanaka asked that the DEQ carefully review the language used to describe how targets were developed. Specifically, he asked that they elaborate more on how targets were derived.

John Sigler asked about the citation impaired for "unknown" reasons referring to the 2002 list and requested the DEQ change the wording to more clearly explain what is meant by those words.

Andy Ray asked that additional comments be emailed to him as soon as possible. Andy said that he would then compile the comments into a single list and disseminate the list of comments with the next revision. If any comments result in significant revisions, he will also distribute a revised document.

Other Elements that will be submitted along with TMDL

Andy Ray stated that Section 5 (Loading analysis) would be accompanied with maps of the subbasin, a brief and updated (e.g. updated demographic data) subbasin assessment, a description of the most recent assessment data, and loading summaries calculated from the continuous monitoring network. The DEQ will also include the Biological Assessment as an Appendix to the revised TMDL.

Revised Timeline

Andy Ray requested comments on this draft by 19 December 2008. He committed to incorporating comments and providing a revised draft to the WAG by 5 January 2009.

The WAG members agreed to get comments back to Andy by 14 January 2009.

At that point, approval for release of the document for public review and comment will be solicited electronically. WAG approval would demonstrate support for submitting the document for Public Comment.

Andy Ray stated that the DEQ envisioned a 30-day comment period.

John Sigler encouraged the DEQ to consider hosting an open house to discuss the TMDL during the public comment period. Because the City of Pocatello anticipates that compliance with the revised TMDL will require significant upgrades that will result in rate increases for city residents, he feels that the public will want to understand the reason that upgrades will be required. An open house would allow interested members of the public to learn more about the document. He suggested that it be held approximately 10 days into the 30-day comment period to allow people time to review the document and prepare questions before the open house, and then prepare comments after the open house. John also recommended that DEQ use a press release in addition to the normal public notice published in the legal notices. Greg Mladenka stated that the DEQ would support this outreach effort and that he would work with John to organize the activity.

All agreed that the WAG members should participate in the open house if possible to show the public how the revised TMDL was developed collaboratively. In particular, it would be nice if Kevin Koester or other WAG members representing the agricultural community could attend to help the agricultural community understand the document and the process used to develop it.

Jim Mende also recommended that the WAG produce a Fact Sheet that can be distributed at the public meeting. Andy Ray said that he would work with the WAG to put together a Fact Sheet.

The WAG discussed sending letters to the Greenway Foundation and NRCS in order to invite participation by these agencies during the final part of the WAG process. WAG members from these organizations have recently changed jobs, leaving these positions unfilled. Greg and Andy committed to contacting both agencies.

Next Steps

The following next steps will be completed:

1. The WAG will get comments to Andy by 19 December 2008.
2. Using these comments, Andy Ray will revise the TMDL and resubmit it to the WAG with a list of changes by 5 January 2009.
3. The WAG will provide feedback to this revision on 14 January 2009.
4. Wendy Lowe will contact the WAG regarding approval for submittal for Public Comment..

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