

**Portneuf Watershed Advisory Group
September 18, 2007**

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, September 18, 2007 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), Wilder Hatch (Caribou County Soil Conservation District), Jon Herrick (alternate, City of Pocatello), Brad Higginson (Caribou-Targhee National Forest), M. Keene Hueftle (Southeast Idaho Environmental Network), Kevin Koester (Portneuf Soil and Water Conservation District), Jim Mende (Idaho Fish and Game [IDFG]), Hannah Sanger (Portneuf Greenway Foundation), John Sigler (City of Pocatello), Candon Tanaka (Shoshone-Bannock Tribes), and Elliot Traher (Natural Resources Conservation Service).

The following non-voting members were also in attendance: Pauline Bassett (Caribou Soil Conservation District), Amy Jenkins (Idaho Association of Soil Conservation Districts), Greg Mladenka (Idaho Department of Environmental Quality [DEQ]), Andrew Ray (DEQ), and Sue Skinner (US Environmental Protection Agency [EPA]).

One visitor attended: Doug Anderson (Hoku Materials).

Members who were absent from the meeting included: Larry Ghan (alternate, Bannock County Commission), Roger Thompson (Southeast Idaho Flyfishers), 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 August Group Memory

Corrections were noted to the August Group Memory. Changes will be made in accordance with those corrections noted and the final Group Memory will be posed to the Portneuf Watershed Advisory Group's website.

Pollutant Targets for the Mainstem Portneuf

Total Suspended Solids. Andy Ray began discussion by observing that much of the last meeting had been spent talking about targets for total suspended sediment. High flow targets generally apply from March through May and low flow targets apply the rest of the year (see Table 51, pg 107, of 2001 TMDL for dates that apply to different segments of the watershed). There had been general agreement that the Watershed Advisory Group might be willing to consider lowering the low flow target for total suspended solids. DEQ staff believe that the current target is not protective enough to restore beneficial uses. Consequently, DEQ staff discussed the possibility of lowering the low flow target from 50 mg/L to somewhere in the range of 25-35 mg/L. This suggestion was discussed with the Technical Subcommittee and was based largely on a guidance document for sediment TMDLs in Idaho (Rowe et al. 2003); the subcommittee agreed that the target should be lowered to concentrations within the aforementioned range, but wanted to discuss specific values after further analyses were conducted and once all of the stakeholders were present.

Keene Hueftle asked whether a torrential rain that occurred outside of the high flow period would lead to exceedances of the low flow target. Greg Mladenka responded by explaining that the low flow target is measured as a 28-day average. It is unlikely that a torrential rain could result in sustained increases in

sediment that would cause regular exceedances of the low flow target after an isolated summertime rainstorm.

Brad Higginson pointed out that regional research indicates that 25 mg/l of TSS would be a more appropriate target for the protection of salmonids. Further, he supported reducing the target as it is currently being reached 70% of the time.

Greg Mladenka reported that an Idaho State University researcher had been electrofishing the Portneuf River at the Edson Fichter Nature Area (EFNA) the previous week and the Portneuf River above Marsh Creek that day; results from field observations indicate that the fishery is more diverse and contains more salmonids and sculpin at the Portneuf River site above Marsh Creek. The Portneuf River site above Marsh Creek is also less turbid and consistently has lower concentrations of TSS than the EFNA site and this fish data is one piece of evidence supporting the claim that lower TSS concentrations are needed to support coldwater fish species (salmonids and sculpin) in the Portneuf River.

Andy Ray reported that within the Portneuf Watershed, healthy fish communities (those containing an abundance of salmonids) are found in those reaches with low flow TSS concentrations at or below the 25-35 mg/L level. Those reaches with higher sediment levels have less diverse fish communities comprised of fewer trout and more sediment tolerant taxa.

Brad Higginson made a suggestion that the TMDL could establish different targets for different reaches. However, he also pointed out that a standard target allows for greater flexibility.

Andy Ray reiterated that the literature suggests a target of 25-35 mg/L would be more protective. He asked the Watershed Advisory Group to provide a recommendation to DEQ to establish a new low flow target.

Kevin Koester observed that early discussions regarding the TMDL process (those prior to the 2001 TMDL) had a goal that targets be "reasonable and attainable." His concern is that a 25 mg/L target might not be attainable and he is unsure whether additional TSS reductions are possible at this time. Each Watershed Advisory Group member was provided an opportunity to express their thoughts on the possible change in the total suspended solids target during low flow.

Elliott Traher said that he thinks it would be admirable to try to accomplish lower targets, but he observed that large acreages within the watershed are likely to be put back into production after being idle while enrolled in the Conservation Reserve Program (CRP) for some years. He is opposed to setting targets that cannot be accomplished.

(Approximately 30,000 acres will be eligible to come out of the CRP; some will be eligible in 2010 and the rest in 2012. Currently, farmers enrolled in CRP get \$36 per acre.)

Keene Hueftle said he would support lowering the target.

John Sigler stated that he believes reasonable targets should be set; he does not support the idea of setting targets that could not be accomplished. 35 mg/L feels more realistic than 25 mg/L.

Pauline Bassett echoes concerns about acreages coming out of CRP and going back into agricultural production.

Kevin Koester observed that most of those lands went into CRP when wheat was selling for \$3.00 a bushel. The current price is in the vicinity of \$9.00 a bushel. That will make it more profitable for most farmers to put their land back into production.

Wilder Hatch is concerned about the fishery, but wondered how the people along the river will earn a living while trying to comply with additional TMDL restrictions.

Kim Gower observed that little can be done to enforce targets for private landowners anyway. **Andy Ray** agreed, explaining that implementation of measures to accomplish the targets is voluntary for non-point sources. **Greg Mladenka** added that compliance may not be optional for farmers receiving federal funding.

Elliott Traher agreed and said that funding available through the Natural Resources Conservation Service requires operations to demonstrate compliance with TMDL targets. He focuses his efforts on helping farmers implement practices that would allow achievement of the targets. He also pointed out that if a farmer has a point source of pollution (direct discharge such as a Confined Animal Feeding Operation; CAFO), the situation is different. The operation could be fined (\$10,000) until the source is fixed.

Sue Skinner pointed out that Idaho is currently focusing its enforcement on CAFOs. That focus could change in the future to sediment control.

Keene Hueftle asked if the CRP places priority of protection of riparian zones. **Elliott Traher** said "yes, of course" but went on to explain that compliance is voluntary.

Amy Jenkins supports reducing the target. She observed that the data and research suggest a target of 30 mg/L would be reasonable, but she suggested social considerations are relevant as well. She stressed that supporting beneficial uses is the goal of the Clean Water Act.

Brad Higginson echoed what Amy Jenkins said. He thinks that 25-30 mg/L is attainable.

Candon Tanaka said that 25-30 mg/L would be reasonable; although even at these concentrations there will be downstream affects on others. 50 mg/L is not protective enough.

Jim Mende said he is not a member of the Technical Subcommittee and he had not reviewed the literature. If observations in the Portneuf Watershed reveal that loads of 50 mg/L are associated with less-than-robust fisheries, he would support reducing the target.

Kim Gower supports lowering the target. She added that the fisheries are being harmed by other changes in the watershed as well. 35 mg/L seems like an appropriate target.

Hannah Sanger stated that she would prefer to see the target lowered as much as possible to benefit the fisheries.

Sue Skinner observed that the Technical Subcommittee had done good work. Reducing the target seems reasonable to her. She went on to observe that if the target cannot be achieved once CRP land goes back into production, that might represent an opportunity for producers to apply political pressure on legislators to provide addition funding for CRP or funding for farmers to implement more conservation measures.

Jon Herrick stated that he thinks the Watershed Advisory Group should recommend reducing the target.

Greg Mladenka suggested that land coming out of the CRP is one challenge; but there are other opportunities to reduce sediment inputs. He stated that numerous miles of stream bank stabilization could further reduce sediment inputs .

Amy Jenkins suggested that just because it takes time to reach a goal does not mean the goal is inappropriate.

Elliott Traher commented that conservation measures are very expensive. He said he had recently been involved in a project that cost \$25,000 to protect 150 feet of stream bank. At that cost, farmers have to borrow money to put in a conservation project. If a goal seems impossible to achieve, they may not be willing to face such a financial risk. Targets that are seen as reasonable may result in more people trying to do the right thing. He added that farmers respect the land and recognize soil conservation is in everyone's interest. Nonetheless, they have to assume financial risk (borrow money) to implement conservation projects.

Greg Mladenka reiterated that compliance is voluntary. **Brad Higginson** said, "Not for everyone." He explained that the Forest Service has faced litigation in the past for failing to meet targets. He went on to state that he thinks lowering the target would be reasonable, however, since loads lower than the existing low flow target are being attained much of the year anyway.

Kevin Koester suggested that there will be large changes in land use within the watershed over the next decade. Current ability to attain targets is based on current land use. Changes in targets may be unrealistic based on future land use.

Keene Hueftle suggested that difficult goals may force some, including him, to try harder; he indicated that we all must strive for perfection regardless of the endeavor. If lower targets are appropriate to help achieve beneficial use along the Portneuf, then that should be our goal.

Hannah Sanger reminded the group about the psychological impacts of unrealistic goals.

Elliott Traher observed that the data allow the conclusion that lowering the targets would be reasonable - although he noted that there is still some statistical uncertainty associated with the data the DEQ presented .

John Sigler asked what else could be done to reduce sediment. Brad Higginson responded that bank stabilization efforts can help reduce sediment.

Hannah Sanger asked if the Technical Subcommittee felt a target of 30 mg/L would be reasonable in the absence of potential changes in acreages under the CRP. Andy Ray reported that the Subcommittee had not addressed whether a reduced target could be accomplished. The Subcommittee focused its attention on what target would allow restoration of fisheries and other beneficial uses within the watershed.

John Sigler observed that the group had identified an issue - land retiring from CRP - that is beyond the influence of the Watershed Advisory Group.

John Sigler suggested that the City of Pocatello hopes to submit its Implementation Plan on the same schedule that DEQ submits the revised TMDL. He felt the Watershed Advisory Group could help develop implementation plans. Greg Mladenka explained that DEQ has no role in development of implementation plans and, as a result, did not ask the Watershed Advisory Group to provide support to that process. Some stakeholders that will be responsible for developing implementation plans are also involved in the Watershed Advisory Group. It may be easier for them to develop their implementation plans as a result of having participated in the WAG . (The Forest Service, Cities of Pocatello, Inkom, McCammon, and Lava Hot Springs will have to develop implementation plans, along with the agricultural community.

Sue Skinner observed that completing the implementation plans along with the revised TMDL would certainly be appreciated at the EPA.

Greg Mladenka observed that actual loads will differ in different reaches anyway, with influxes from groundwater and other changes in the watershed.

Elliott Traher asked why 50 mg/L was established as the target for the last TMDL. Andy Ray replied that there was inadequate data available at the time the target was set

The voting members of the Watershed Advisory Group were polled. Candon Tanaka, Keene Hueftle, and Hannah Sanger supported reducing the target to 30 mg/L. All but Candon Tanaka could support reducing the target to 35 mg/L. On further discussion, he agreed that the target would not mean that all segments of the watershed would have actual loads that high. He eventually agreed to support a recommendation to reduce the target to 35 mg/L.

Total Phosphorus. The Watershed Advisory Group turned its attention to total phosphorus. Andy Ray reported that DEQ is proposing to adjust the total phosphorus target during high flow (using the same time frames as for total suspended solids) to be consistent with the structure of targets for total suspended solids. Greg Mladenka added his observation that the current target (0.075 mg/L) is unattainable during high flows, because phosphorus is associated with sediment.

Kevin Koester asked why DEQ is not recommending a reduction during low flow? Andy Ray said that DEQ could support reductions in targets. Amy Jenkins asked what actual loads are right now and whether beneficial uses are impacted by phosphorus. Andy Ray indicated that TP loads and proposed targets would be discussed in an upcoming Technical Advisory Committee to the WAG and would then be presented to the WAG during the October meeting.

John Sigler reported that the Pocatello Treatment Plant is discharging above the target right now. He went on to explain the upgrades to the treatment plant would be required to reduce phosphorus in discharges lower than the current target. He estimated that the cost of such an upgrade would be in the vicinity of \$30 million. Getting that kind of money out of the city budget would be difficult. He suspects a lot more could be done to accomplish reductions in the watershed if attention was focused upstream from the treatment plant.

In response to a question, Andy Ray explained that the Portneuf Watershed TMDL is focused on total phosphorus; some TMDLs use surrogate targets - like Chlorophyll a. Data are available for phosphorus so there is no reason to use a surrogate. In response to a question about why chlorophyll is used for the American Falls TMDL, Andy Ray explained that chlorophyll makes more sense since it is a measurable indicator of impairment in lakes and reservoirs.

All agreed to support increasing the target during high flows to achieve consistency with the targets for total suspended solids. The Watershed Advisory Group would like the Technical Subcommittee to look into this further and provide a recommendation for consideration by the Watershed Advisory Group.

E. Coli. Andy Ray explained that the Idaho statewide standard for E. coli is 126 cfu/100 mL based on a 30-day geometric mean based on 5 samples. DEQ is not recommending any changes to this target, but simply wanted to note that change from the previous TMDL that was based on Fecal Coliform instead of E. coli.

Oil and Grease. Andy Ray reported that after some storm events, actual concentrations of oil and grease exceed the targets, particularly on the lower Portneuf. Therefore, DEQ is not recommending any changes in the target for this pollutant

The sources of oil and grease include streets and parking lots. John Sigler reported that one can observe a sheen on some roadways and parking lots after rain; that sheen carried by storm water ends up in the Portneuf. He observed that it would be difficult to do anything about that given that the State of Idaho does not require automobile owners to undergo regular vehicle inspections .

Andy Ray said that DEQ would like to see if loads could be reduced further through implementation of additional measures, such as collecting parking lot runoff water in vegetated swales. DEQ also recommends collecting additional data and considering this target again when the TMDL is revised next time.

Summary of Consensus Recommendations

The following recommendations were agreed to using consensus processes over the course of the meeting:

- All members of the Watershed Advisory Group agreed to support a recommendation that DEQ decrease the target for total suspended solids during low flow to 35 mg/L.
- All agreed to consider making a recommendation to increase the Total Phosphorus target during high flows to achieve consistency with the targets for total suspended solids. This topic will be discussed again following consideration by the Technical Subcommittee and recommendations from that committee will be presented during the October meeting.
- All agreed to support a recommendation of no change in the oil and grease target.
- All agreed to support using state standard for the E. coli target

Consensus was defined as all understand and can support the recommendation.

Schedule Changes

Wendy Lowe observed that the November meeting is scheduled for the week of Thanksgiving. All agreed that would be acceptable.

Wendy Lowe suggested adding another meeting to the schedule to help the Watershed Advisory Group complete its work on schedule. All agreed to meet on December 18, 2007.

Greg Mladenka reported that he has looked at a lot of data in preparation for a presentation to the Watershed Advisory Group on other pollutants (not addressed in the previous TMDL). Because it was already later than the anticipated completion time for this meeting, this presentation will be rescheduled until the next meeting.

Announcements

John Sigler reported that the attorneys working on the Settlement for the American Falls TMDL are making progress.

Next Meeting

The next meeting of the Portneuf Watershed Advisory Group will be at 7:00 p.m. on October 16, 2007 in the Snake River Conference Room at the Regional Offices located at 444 Hospital Way, Suite 300 in Pocatello, Idaho. The objectives for the meeting will include:

- Discussing the results of the Technical Subcommittee's consideration of total phosphorus targets
- Discuss load allocation for the mainstem Portneuf
- Receive a presentation from DEQ regarding other (not listed) pollutants in the Portneuf Subbasin and the process for including pollutants in a TMDL
- Review impaired reaches of the Portneuf River tributaries
- Review causes of impairment of the Portneuf River tributaries

Next Steps

The following next steps will be completed:

- 1) Wendy Lowe will prepare the draft Group Memory for review and approval at the next meeting.
- 2) Andy Ray will post the draft Group Memory on the project website. He will send hard copy to Kevin Koester.
- 3) Andy Ray will schedule a meeting of the Technical Subcommittee.
- 4) Greg Mladenka will review water quality information collected by Union Pacific Railroad, U.S. Geologic Survey, and the U.S. Environmental Protection Agency and report back to the WAG.

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