

Section 4: Administrative Structures for Lake Management

Achieving the objectives outlined in Section 3 through existing authorities and administrative structures, will require significant coordination and cooperation among the Tribe, DEQ, EPA, and other LMP partners. This section describes the primary existing administrative structures for lake management within DEQ, the Tribe, and EPA, along with a summary of legal authorities under the CWA, State, and Tribal laws. The approach for the 2009 LMP coordination involves creation of a collaborative implementation team, also described below. The overall coordination strategy for key LMP partners is summarized under External Coordination, with the understanding that detailed coordination plans for each LMP partner will be necessary. Appendix E presents a summary table of the jurisdictions and authorities of basin stakeholders to manage programs and activities related to water quality in the Coeur d'Alene Lake Basin. This LMP does not change authorities or regulations. It does, however, seek to more effectively coordinate these authorities and regulations, which will be the primary job responsibilities of the Tribe's and DEQ's LMP Coordinators.

4.1 DEQ Structure

DEQ is the designated Idaho agency for implementing parts of the Federal Clean Water Act, including adoption of the State WQS. Idaho Code §39-3601 *et seq.* assigns DEQ the responsibility to implement WQS to restore and maintain designated beneficial uses of streams, lakes and other surface waters. The legislative purpose of §39-3601 *et seq.* is to “enhance and preserve the quality and value of the surface water resources of the State of Idaho.” Administrative Rules of the DEQ to fulfill the intent of this Idaho Code are Water Quality Standards, IDAPA 58.01.02.

The Coeur d'Alene Regional Office of DEQ, Water Quality Section, has the local responsibility (in the five county Panhandle area) for implementing the WQS. In the 2005 Idaho legislative session, a new full-time DEQ position was approved to serve as a Coeur d'Alene Lake water quality manager, assigned to the regional office. A primary duty of this position has been to work with the Tribe in developing the 2009 LMP. With finalization and approval of the 2009 LMP, duties of this DEQ position will shift to implementing the 2009 LMP. Initially, a major emphasis will be to seek funding and develop partnerships with other governmental agencies, and business and community groups, to actively implement high priority actions and concepts of the 2009 LMP.

The DEQ office performs other functions to support the implementation of the 2009 LMP. These include: 1) receive and respond to water quality complaints, 2) issue water quality certifications for Federal permits under Section 401 of the CWA, 3) review selected permits under the Idaho Joint Application for Permits (Idaho Department of Lands, Idaho Department of Water Resources, and Army Corps of Engineers), 4) review engineering plans and specifications

for water and wastewater systems, 5) issue permits for wastewater reuse systems, 6) perform hydro-geological analysis of groundwater characteristics and potential contamination, and 7) administer rules for protecting groundwater quality.

In regard to TMDL processes for lands and activities outside of Tribal Reservation boundaries, DEQ is tasked with preparing subbasin assessments and TMDL determinations and facilitating the process of TMDL implementation planning. This is done in partnership with other State agencies, the land owners/land managers of a particular watershed, and a Watershed Advisory Group (WAG), as required by State law.

4.2 Coeur d'Alene Tribe Lake Management and Natural Resources Departments

The Coeur d' Alene Tribe, by Tribal Council Resolution, established a Lake Management Department to implement parts of the Federal Clean Water Act, including adoption of Tribal WQS, among other actions to protect and enhance water quality on the Reservation.

The Lake Management Department staff is located in Plummer and Coeur d' Alene Idaho. Programs within the Department that conduct LMP activities include: Lake Improvement, Recreation Management, Water Resources Management, and Hazardous Waste Management. In addition the Tribe also has a Natural Resources Department with various programs that conduct LMP activities. These programs include: Fisheries, Pesticides, Forestry, and Wildlife.

Currently, existing staff from these various programs have been tasked with developing the 2009 LMP. The Lake Management Department performs the following functions to support the implementation of the 2009 LMP. These include, but may not be limited to: 1) receive and respond to water quality complaints, 2) issue water quality certifications for Federal permits under Section 401 of the CWA, 3) review selected permits under the Idaho Joint Application for Permits (Idaho Department of Lands, Idaho Department of Water Resources, and Army Corps of Engineers), 4) develop and enforce encroachment standards, 5) regulate dredge and fill activities, 6) perform hydro-geological analysis of groundwater characteristics and potential contamination, and 7) implement wellhead protection activities.

In regard to TMDL processes for waters within the Tribal Reservation boundaries, the Tribe is tasked with preparing subbasin assessments and TMDL determinations and facilitating the process of TMDL implementation planning. This is done in partnership with State agencies, the land owners/land managers of a particular watershed, and watershed advisory groups.

4.3 EPA Water Quality Programs

Passage of the Federal Water Pollution Control Act in 1971 (commonly known as the Clean Water Act) nationally codified the authority of states and tribes to establish WQS. The Act and implementing regulations also standardize the approach to WQS development. Under the act, the authority to establish WQS is retained by states and approved tribes; EPA must review and

approve the WQS. If EPA disapproves a WQS and a state or tribe does not revise it, EPA promulgates a standard. States and authorized tribes must review their WQS every three years and submit them to EPA for review. Idaho has approved WQS. The Coeur d'Alene Tribe's WQS are undergoing final revisions and will soon be submitted to EPA for approval. Sections 208 and 303 of the Federal CWA provide the authority to states for development of Water Quality Management (WQM) plans. Regulations for implementing these provisions are found in the Code of Federal Regulations (CFR) 40 Part 130.6. CWA Section 319 provides grant opportunities to states and tribes to implement actions to address nonpoint source pollution.

The EPA Region 10 office is located in Seattle, Washington. This office houses many administrative, technical, and policy staff that in part, work on Coeur d'Alene basin issues, primarily in implementing remedial actions under CERCLA, and overseeing water quality actions under the CWA. EPA public outreach staff develop the quarterly Basin Bulletin newsletter and other educational information. As a means to provide more local support for basin-wide issues, the EPA established a field office in Coeur d'Alene.

Neither the State of Idaho nor the Tribe are authorized to administer the National Pollutant Discharge Elimination System (NPDES) program within the State or Reservation, therefore, EPA is the NPDES permit authority for facilities throughout State and Tribal waters. EPA administers the permit issuance and compliance program for municipal and industrial wastewater discharges, including stormwater permits, biosolids, and the pretreatment program in the basin. A listing of EPA NPDES permits for discharges containing nutrients within the Coeur d'Alene Lake Basin is presented in Table 2 below:

Table 2. – Coeur d'Alene Lake Basin EPA NPDES Permits

NPDES	LOCATION (Idaho)	NAME 1	NAME 2	RECEIVING WATERS
ID0021300	Smelterville	South Fork Coeur d'Alene RSD	Wastewater Treatment Plant	South Fork CdA River
ID0020117	Smelterville	Smelterville, City of	Wastewater Treatment Plant	South Fork CdA River
ID0021296	Mullan	South Fork Coeur d'Alene RSD	Wastewater Treatment Plant	South Fork CdA River
ID0021997	Harrison	Harrison, City of	Wastewater Treatment Plant	Anderson Slough
ID0025071	Clarkia	Clarkia Water and Sewer District	Wastewater Treatment Plant	St. Maries River (Middle Fork)
ID0022799	St. Maries	St. Maries, City of	Wastewater Treatment Plant	St. Joe River
ID0022781	Plummer	Plummer, City of	Wastewater Treatment Plant	Plummer Creek
ID0022845	Fernwood	Santa Fernwood Sewer District	Wastewater Treatment Plant	St. Maries River
ID0025852	Post Falls	Post Falls, City of	Wastewater Treatment Plant	Spokane River
ID0022853	Coeur d'Alene	Coeur d'Alene, City of	Wastewater Treatment Plant	Spokane River
ID0026590	Hayden	Hayden Area Regional Sewer Board	Wastewater Treatment Plant	Spokane River (RM 108.7)

Table 2. – Coeur d’Alene Lake Basin EPA NPDES Permits cont.

NPDES	LOCATION (Idaho)	NAME 1	NAME 2	RECEIVING WATERS
IDS028193	Post Falls	Post Falls Highway District	Municipal Separate Storm Sewer System	Spokane River
IDS028207	Hayden Lake	Lakes Highway District	Municipal Separate Storm Sewer System	Hayden Lake
IDS028215	Coeur d’Alene	City of Coeur d’Alene	Municipal Separate Storm Sewer System	Spokane River, Lake Coeur d’Alene
IDS028223	Fernan	Idaho Transportation Department Dist. #3	Municipal Separate Storm Sewer System	Fernan Creek, French Gulch
IDS028231	Post Falls	City of Post Falls	Municipal Separate Storm Sewer System	Spokane River

4.4 Implementation Team

The Tribe and DEQ plan to use their respective staff and internal support to form a team to implement the core LMP program. Budget estimates to staff the implementation team are identified in Section 6, Table 8. This team would include:

- LMP Coordinators. These positions will be supervisory and responsible for managing implementation of the 2009 LMP, with an emphasis on development of yearly work plans and funding proposals, and coordination with partners to implement management actions in the MATs.
- Outreach Specialists. These positions will initially complete a needs assessment, then design and implement the education and outreach program.
- Limnologists. These positions will design and implement monitoring plans, conduct lake modeling, analyze/synthesize data and develop reports, and conduct the nutrient basin-wide inventory.
- Water Quality Technicians. These positions will support limnological work described above.
- Office Administrative Assistants. These positions will provide general administrative support for LMP activities.

4.5 External Coordination

The implementation team will be responsible for coordinating their activities with those of many other agencies, cities, municipalities, and public and private stakeholders that currently conduct activities affecting water quality in the Coeur d’Alene basin. Through close coordination of basin-wide activities with all parties, the implementation team can better understand program objectives, identify funding commitments, and abilities to share costs or leverage additional funds. This coordination will reduce duplication of effort and increase education of the public

and other stakeholders. DEQ and Tribal staff will routinely communicate and coordinate (by telephone, email, and personal meetings) to establish effective and efficient project implementation plans, provide updates on information collected during BMP audits, establish priorities, analyze and interpret data, and conduct public education and outreach.

The Tribe and DEQ will utilize the coordination efforts listed above to encourage implementation. As coordination, funding, and education increase; it is expected that the level of commitment to conduct these activities will increase, resulting in improvements in water quality. Adaptive management will be employed over the life of the 2009 LMP as a means to be flexible, given the many issues to address and many possible solutions. A list of key forums and LMP partners for coordination includes the following:

4.5.1 Basin Environmental Improvement Project Commission (BEIPC)

The BEIPC was established under Idaho law. Its primary purpose as described in the Memorandum of Agreement (MOA) among DEQ, the Tribe, Washington State Department of Ecology, Benewah, Kootenai, Shoshone counties, and the Federal government (currently represented by EPA) was to implement the 2002 ROD for OU3. The BEIPC may also undertake other activities to improve water quality. The Basin Commission Board (the Board), the Technical Leadership Group (TLG), and the Citizens Coordinating Council (CCC), collectively the BEIPC, represent a wide range of regulatory, land management and public stakeholders. The Tribe and DEQ believe the BEIPC can provide beneficial resources and forums to facilitate the implementation of the 2009 LMP. Examples of coordination activities DEQ and the Tribe envision for implementation of the LMP, include, but are not limited to the following:

- a) Provide routine updates on implementation activities at each BEIPC board meeting with the intention to coordinate with agencies/governments represented on the Commission
- b) Engage nutrient management partners on the TLG to review Management Action Table (MAT) activities and work to better understand how to develop partnerships and joint plans for nutrient reduction projects
- c) Present draft yearly monitoring plans for TLG review and comment, and present yearly monitoring results
- d) Present draft annual work plans to the TLG for review and comment
- e) Provide an annual overview of LMP implementation activities to the Commission's Citizens Coordinating Council and solicit their input

This level of coordination with BEIPC forums will maximize opportunities for information exchange and advice, while recognizing that DEQ and the Tribe retain their respective decision making authorities under CERCLA and the Clean Water Act (CWA).

4.5.2 Washington State

Washington State has a vital interest in all activities that affect water quality in the Spokane - Coeur d'Alene River Basin. Currently, Washington is developing a dissolved oxygen TMDL for the Spokane River. In addition, Washington State WQS for metals are violated at the border of Idaho and Washington. Given these concerns and the connection between our state's waters, sustained communication and coordination with the State of Washington – primarily the Washington Department of Ecology (WDOE), is critical. This coordination will be accomplished directly with the WDOE, and may also occur within the forums of the BEIPC. DEQ and the Tribe also will continue to participate in the Washington dissolved oxygen TMDL process, and the ongoing operations of the Post Falls Dam, and all other forums intended to resolve interstate water quality issues.

4.5.3 Local governments

The local governments of Shoshone, Kootenai, Benewah, and Latah counties, and their respective cities, have enacted ordinances to manage upland development and other land use activities in the Coeur d'Alene Lake Basin (Appendix E). These local governments play a crucial role in regulating activities on private lands that directly relate to sediment and nutrient inputs to tributaries and the lake. DEQ and the Tribe will encourage and support the counties and cities efforts to enforce all their regulations aimed at managing pollution in the basin.

Kootenai, Shoshone and Benewah counties are particularly interested in building and maintaining a closer working relationship with DEQ and the Tribe in coordinating implementation of the LMP, where their authorities are concerned.

The Tribe, DEQ and the counties have, therefore, agreed to:

1. Quarterly Meetings – The meeting location will rotate between county, DEQ and Tribal offices; agendas will be drafted two weeks in advance by the hosting office for review and input by all parties. Final agendas will be distributed to all parties one week in advance of the meetings.
2. Meeting Participants – Meetings will include no more than one (1) decision maker from each entity. Such meetings may also include agency staff, as determined necessary by the parties, based on agenda topics.
3. Meeting Outcomes – The hosting office will be responsible for drafting a short summary of meeting outcomes for review and comment by all parties. The final summary of meeting outcomes will be distributed to all parties within 30 days after each meeting.
4. Additional Meetings – Additional meetings may be agreed upon by the parties as reasonably necessary.
5. Staff Meetings – The counties, DEQ and the Tribe recognize there will be ongoing meetings at the staff level to coordinate and accomplish work on a spontaneous and routine basis. These staff meetings do not substitute for the decision maker level meetings described above.

4.5.4 Other state and federal agencies

Other state and federal agencies have a role in management of public lands and activities that affect water quality (see Appendix E). Direct, agency-specific coordination will occur in order to share and understand program goals and objectives, yearly work plans, funding strategies, monitoring/study plans, and specific projects being conducted to implement actions that affect basin-wide water quality. These agencies also participate in various BEIPC forums that provide an opportunity for collaborative coordination.

4.5.5 Other tribes

Downstream tribes have aboriginal rights to natural resources affected by the water quality flowing out of Coeur d'Alene Lake. Because the outlet of the lake creates the Spokane River that ultimately drains into the Columbia River, all tribes that rely on these waters and the natural resources that pertain to the waters have a stake in the effectiveness of the 2009 LMP. The Tribe and DEQ will work with other tribes in the region (Colville, Spokane, Kalispel, Kootenai, and Yakama) to foster awareness of upstream issues and seek downstream support for the LMP goal and objectives. The Coeur d'Alene Tribe is a member of the Upper Columbia United Tribes and will use this forum to provide information to other tribes and seek support for upstream issues.

4.5.6 Business community and civic organizations

Coeur d'Alene Lake is the engine that drives the local and regional economy. The business community has a vital interest in the implementation of a successful LMP that protects and enhances water quality throughout the basin. The Tribe and DEQ envision the business community as a key partner in lake management. The business community has provided valuable feedback during development of the 2009 LMP, and will have a key role in future public outreach to promote lake protection and water quality awareness. The Tribe and DEQ appreciate the importance of building understanding with the business community about lake management activities, and also in ensuring that key interests of the business community are addressed as part of an adaptive management approach. Coordination is planned through business organizations, such as the chambers of commerce, associations, and individual businesses.

4.5.7 Environmental and conservation organizations

Non-governmental organizations are uniquely positioned to voice environmental and conservation interests and to assist in broad public education. The Kootenai Environmental Alliance, the Lands Council, the Center for Justice, the Nature Conservancy, Ducks Unlimited, the Sierra Club, Idaho Conservation League, and others, have been vocal proponents of environmental protection for many years. The Tribe and DEQ are committed to fostering partnerships with these groups to achieve the shared goal of lake protection.

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