



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
WATER AND  
WATERSHEDS

**AUG 06 2012**

Mr. Curt Fransen, Administrator  
Idaho Department of Environmental Quality  
1410 North Hilton  
Boise, Idaho 83706-1255

The Honorable Nathan Small, Chairman  
Fort Hall Business Council  
Shoshone-Bannock Tribes  
P.O. Box 306  
Fort Hall, Idaho 83203

Re: Approval and Issuance of American Falls Subbasin Total Maximum Daily Loads

Dear Mr. Fransen and Mr. Small:

Today the U.S. Environmental Protection Agency, in accordance with its authority under Section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(c)(3) is taking final action on the American Falls Subbasin Total Maximum Daily Load Plan (May 2012). For state waters, the EPA is approving TMDLs and on behalf of the Shoshone-Bannock Tribes (Tribe) the EPA is issuing TMDLs for reservation waters, as listed in Tables 1 and 2 below. Any proposed de-listing of waters will be considered at the time of submission of the next §303(d) list of impaired waters.

The Idaho Department of Environmental Quality (IDEQ) and the Tribe submitted the American Falls Subbasin Total Maximum Daily Load Plan: Subbasin Assessment and Loading Analysis to the EPA in a letter dated May 9, 2012. A portion of the subbasin is within the boundary of the Fort Hall Indian Reservation. Through a collaborative process the Tribe, IDEQ, and the EPA jointly developed this TMDL, which addresses 27 waters and pollutants currently §303(d) listed, as identified below:

**Table 1. EPA approved TMDLs for waterbodies included in the 2010 Idaho §303(d) list**

<b>Waterbody Name</b>	<b>Assessment Unit Number</b>	<b>Pollutant</b>
Danielson Creek	ID17040206SK000_02a	Sediment (TSS)
American Falls Reservoir – Bannock Creek	ID17040206SK001_05	Sediment (TSS)
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_02	Sediment (bank stability)
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_03	Sediment (bank stability)
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_04	Sediment (bank stability)
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_05	Sediment (bank stability)
Moonshine Creek – source to mouth	ID17040206SK006_02	Sediment (bank stability)
West Fork Bannock Creek – source to mouth	ID17040206SK008_02	Sediment (bank stability)
Knox Creek – source to mouth	ID17040206SK009_02	Sediment (bank stability)
Knox Creek – source to mouth	ID17040206SK009_03	Sediment (bank stability)
Rattlesnake Creek – source to mouth	ID17040206SK010_02	Sediment (bank stability)

Rattlesnake Creek – source to mouth	ID17040206SK010_02b	Sediment (bank stability)
Rattlesnake Creek – source to mouth	ID17040206SK010_03	Sediment (bank stability)
Rattlesnake Creek – Lower	ID17040206SK010_04	Sediment (bank stability)
Snake River – RM 791 (Bingham-Bonneville county line) to American Falls Reservoir	ID17040206SK022_02	Sediment (TSS)
McTucker Creek – source to American Falls Reservoir	ID17040206SK024_02	Sediment (TSS)
McTucker Creek	ID17040206SK024_02a	Sediment (TSS)
Little Hole Draw/ Hazard Creek	ID17040206SK025_02a	Sediment (TSS)
Danielson Creek	ID17040206SK000_02a	Total Phosphorus
American Falls Reservoir – Bannock Creek	ID17040206SK001_05	Total Phosphorus
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_02	Total Phosphorus
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_04	Total Phosphorus
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_05	Total Phosphorus
Little Hole Draw/ Hazard Creek	ID17040206SK025_02a	Total Phosphorus
American Falls Reservoir	ID17040206SK001L_0L	Chlorophyll- <i>a</i>

The TMDL also covers 11 waterbodies which are not meeting water quality standards for sediment and phosphorus but have not previously been included on Idaho's List. These TMDLs and waterbodies are identified in the table below. The EPA understands that these waterbodies would have been included on the List had the State been aware of the impairments at the time the List was completed.

**Table 2. EPA approved TMDLs for impaired but currently unlisted waters**

Waterbody Name	Assessment Unit Number	Pollutant
Sunbeam Creek – source to mouth	ID17040206SK005_02	Sediment (TSS)
Bannock Creek – source to American Falls Reservoir	ID17040206SK002_03	Total Phosphorus
Snake River – RM 791 (Bingham-Bonneville county line) to American Falls Reservoir	ID17040206SK022_02	Total Phosphorus
McTucker Creek – source to American Falls Reservoir	ID17040206SK024_02	Total Phosphorus
McTucker Creek	ID17040206SK024_02a	Total Phosphorus
Am Falls Res 1 <sup>st</sup> & 2 <sup>nd</sup> order Tribs. (Crystal springs, Sterling wasteway, Colburn wasteway)	ID17040206SK001_02	Total Phosphorus
Clear Creek	ID17040206SK019_02	Total Phosphorus
Spring Creek	ID17040206SK020_02	Total Phosphorus
Pleasant Valley-source to Am Falls Res.(Spring Hollow, Nash spill)	ID17040206SK026_02	Total Phosphorus
Pleasant Valley-source to Am Falls Res. (Cedar spillway)	ID17040206SK026_03	Total Phosphorus
Sunbeam Creek – source to mouth	ID17040206SK005_02	Total Phosphorus

The Tribe and IDEQ also developed and submitted implementation strategies along with the TMDL pursuant to the TMDL Settlement Agreement of July 2002. The EPA has no duty to approve or disapprove implementation strategies; therefore, the EPA is not taking action on these strategies. Implementation is the critical next step to realize improvements in water quality, and we encourage the Tribe and IDEQ to continue their joint efforts to work with responsible parties on implementation of these strategies.

The allocations in the TMDL will, when fully implemented, lead to the attainment of water quality standards. Therefore, these waterbodies may be placed in Category 4a of the Integrated Report for the pollutants covered in this TMDL. Once beneficial uses are attained and standards are met, the waterbody can be placed in Category 2 of the Integrated Report. By the EPA's approval, this TMDL is now incorporated into the State's Water Quality Management Plan under §303(e) of the CWA.

If you have any comments or questions, please feel free to call me at (206) 553-4198, or you may call David Ragsdale or Leigh Woodruff of my staff at (360) 407-6589 or (208) 378-5774, respectively.

Sincerely,



Michael A. Bussell, Director  
Office of Water and Watersheds

- cc: Ms. Jeanette Wolfley, Shoshone-Bannock Tribes, Special Council (via email)  
Ms. Elese D. Teton, Shoshone-Bannock Tribes, Water Resources (via email)  
Mr. Candon Tanaka, Shoshone-Bannock Tribes, Water Resources (via email)  
Mr. Douglas Conde, Attorney General, Idaho (via email)  
Mr. Michael McIntyre, Surface Water Program Manager, IDEQ (via email)  
Ms. Lynn Van Every, IDEQ PRO, Water Quality Manager (via email)  
Ms. Marti Bridges, TMDL Program Manager, IDEQ (via email)  
Mr. Josh Schultz, IDEQ PRO, TMDL Project Manager (via email)  
Mr. Laird Lucas, Advocates for the West (via email)  
Ms. Kristen Boyles, Earthjustice (via email)