Public Engagement in TMDL Development:

Watershed Advisory Groups

Necessary and needed public participation for restoring Idaho's surface waters

STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Table C. Support status of Idaho's streams (percentages based on 92,056 stream miles).

Support Status	Miles (percent of total)
Fully supporting (Categories 1 or 2)	29,370 (32%)
Not assessed (Category 3)	25,684 (28%)
Not supporting (Categories 4 and/or 5)	37,002 (40%)

Table D. Support status of Idaho's lakes (percentages based on 432,390 lake acres).

Support Status	Acres (percent of total)
Fully supporting (Categories 1 or 2)	26,173 (6%)
Not assessed (Category 3)	175,729 (41%)
Not supporting (Categories 4 and/or 5)	230,488 (53%)[a]

a. Lake support status is based on acreage. The percentage (by area) of lakes not supporting beneficial uses is relatively high because a few large lakes dominate the acreage listed in Categories 4 and 5.

Public engagement in Idaho

Photo Credit: Brady Johnson

- Idaho initiated statues in 1995 in response to the Clean Water Act implementation. Results were Basin Advisory Groups and Watershed Advisory Groups
- Idaho has 6 basins and 86 subbasins
- Managed by regions (that align with the basins)
- Idaho DEQ is required to include the public knowledge, expertise, experience, and information of the public and stakeholders as it develops TMDL related documents

Basin Advisory Groups (BAGS)

- Created for each of Idaho's 6 major river basins. Roughly aligns with Regional Office boundaries.
- Recommend priorities for stream monitoring
- Recommends revisions for beneficial uses and water quality standards
- Assigns TMDL Priorities
- Recommend Watershed Advisory Groups to DEQ Administrator
- Recommend priorities for water quality programs (i.e. 319 grants)

Watershed Advisory Group (WAGs)

- A WAG must be formed for every TMDL and subbasin assessment, unless the BAG advises DEQ that representatives to serve on a WAG cannot be identified
- Groups of citizens that provide the Idaho Department of Environmental Quality (IDEQ) with local public input and guidance regarding specific watersheds during Total Maximum Daily Load (TMDL) development, five- year reviews, and other related processes.
- Run by Idaho Open Meeting Law
- Each WAG establishes its own by-laws
- Idaho DEQ helps facilitate the WAG, but it is run by the appointed members
- This process is done even if TMDL is developed outside of Idaho DEQ (i.e. EPA)

There are opportunities for formal and informal WAG participation.

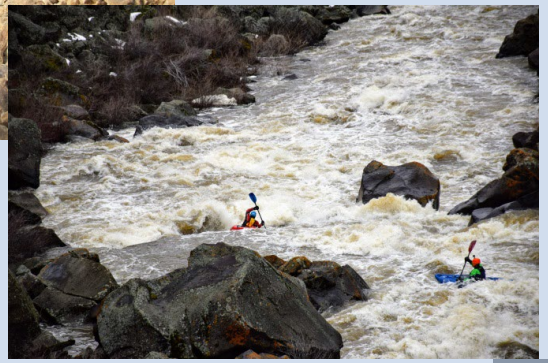
Formal participation is by appointed members—appointed by the DEQ Director, after receiving input from the appropriate basin advisory group.

Informal participation is by non-appointed WAG members. WAG meetings are always open public meetings where anyone is welcome to attend. All attendees input is valued.

Stakeholder groups in WAGs

Members should represent the following (where applicable):

-Agriculture
-Mining
-Non-municipal point sources
-Municipal point sources
-Forestry
-Local government
-Tribal Representation
-Livestock
-Water-based recreation
-Environmental interests
-Public at large



The activity level of a group is often dependent on local population size, competing interests, degree of environmental problems, etc.

House Bill 145: Watershed Advisory Group Role Refinement

Clearly defines the role of WAGs in the TMDL process, clarifies who should serve on a WAG, and requires that the DEQ director appoint WAG members, with input from the BAGS.

Requires DEQ to work more closely with WAGs and provide them an opportunity to participate in the development, implementation, and periodic reviews of TMDLs for their watershed

Five-Year Reviews require re-evaluation of TMDLs and implementation plans. This includes review of beneficial use, data and information, and water quality criteria relevant to the TMDL. The WAGs recommend changes based on reviews.

WAG Roles in 39-3611

(8) **Each TMDL and supporting documents shall be developed and periodically reviewed and modified in consultation with the watershed advisory group** for the watershed in which the water bodies are located. Consultation shall include, but not be limited to:

a) Upon request, providing the watershed advisory group with all available information in the possession of the department concerning application water quality standards, water quality data, monitoring, assessments, reports, procedures and schedules for developing and submitting the TMDL and any supporting subbasin assessment to the United States Environmental Protection Agency;

b) Utilizing the knowledge, expertise, experience and information of the watershed advisory groups in assessing the status, attainability or appropriateness of water quality standards, and in developing a TMDL and any supporting subbasin assessment; and

c) Providing the watershed advisory group with an adequate opportunity to participate in drafting the documents for the TMDL and any supporting subbasin assessment and to suggest changes to the documents

(9) **No TMDL shall be published for public comment or submitted for approval to the United States environmental protection agency until consultation, as herein provided, has occurred**. If, after consultation, the watershed advisory group disagrees with the TMDL or any supporting subbasin assessment, or has determined that applicable water quality standards should be reevaluated or revised, such position and the basis therefor shall be documented in the public notice of availability to the TMDL and any supporting subbasin assessment for review, and in any submission of the same to the United States environmental protection agency. The director shall respond to the points raised by the watershed advisory group and shall document the response in the final decision.

WAG Duties 39-3616

- Each watershed advisory group shall generally be responsible for recommending those specific actions needed to control point and nonpoint source pollution, within reasonable periods of time, ensuring designated beneficial uses are fully supporting, and other state water quality based plans are achieved.

Photo Credit: Adam Bussan

Responsibilities of the WAG

- Advise the TMDL authors at DEQ on matters of concern to the community
- Contribute to the education of watershed residents on water quality issues
- Help identify possible water quality problems in the watershed
- Advise on pollution reduction allocations amount contributors
- Assist in dividing those reduction allocations among contributors
- Recommend specific actions needed to effectively control sources of pollution
- Help develop and implement water quality improvement projects

Issues we've faced

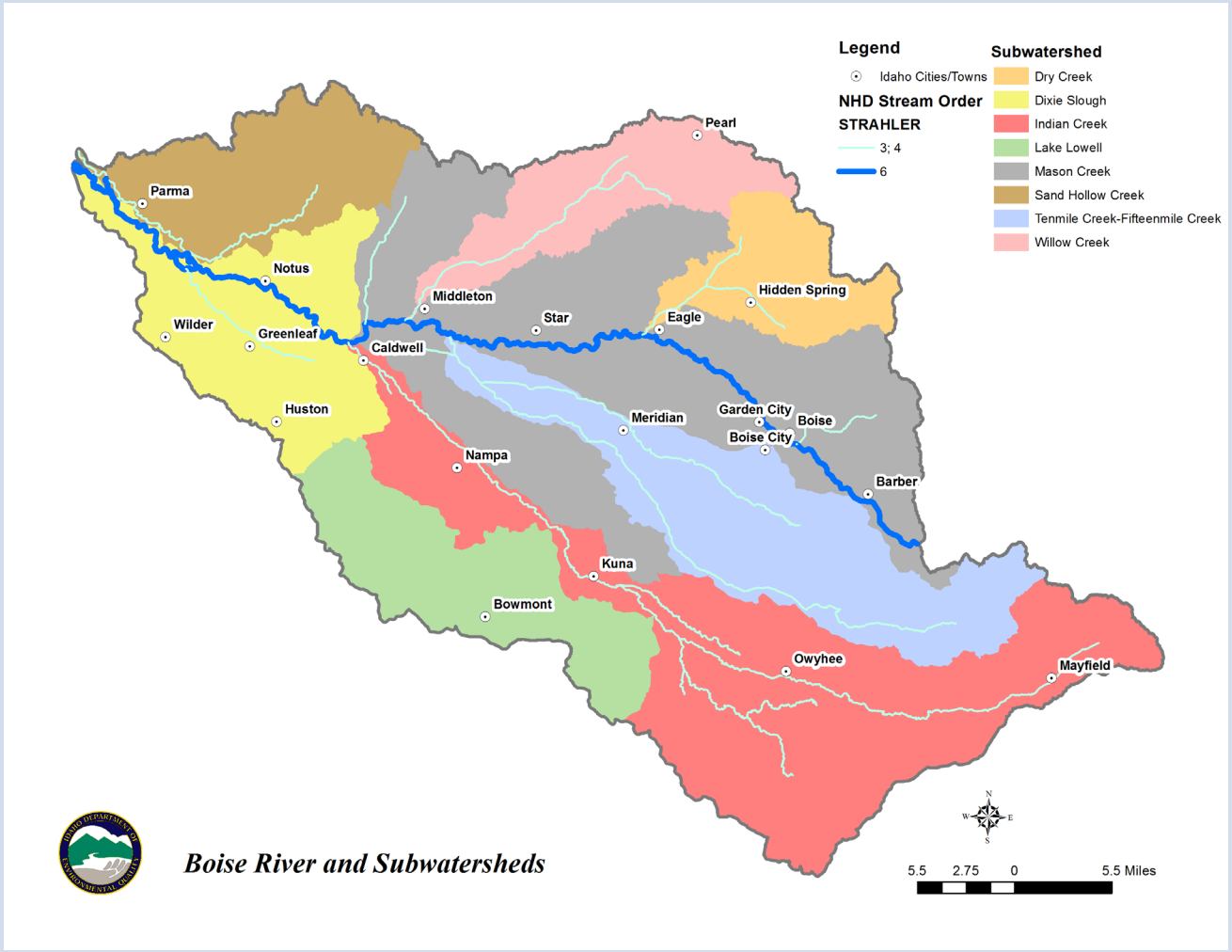
- Less populated watersheds
- More populated watersheds
- Accountability for watersheds and nonpoint source pollution
- Complications of assigned a particular industry, activity, or land use with responsibility of a pollutant (i.e. bacteria)
- Turnover of regional water quality staff

A tale of two watersheds…

- Lower Boise Watershed
- Mid-Snake Watershed

Photo Credit: Kevin Shilling

Photo Credit: Maureen Pepper


Legend
Idaho Cities/Towns
NHD Stream Order
STRAHLER
3; 4
6
Subwatershed
Dry Creek
Dixie Slough
Indian Creek
Lake Lowell
Mason Creek
Sand Hollow Creek
Tenmile Creek-Fifteenmile Creek
Willow Creek
Pearl
Parma
Notus
Middleton
Star
Eagle
Hidden Spring
Wilder
Greenleaf
Caldwell
Huston
Meridian
Garden City
Boise
Boise City
Nampa
Barber
Kuna
Bowmont
Owyhee
Mayfield
N
W
E
S
5.5
2.75
0
5.5 Miles
Boise River and Subwatersheds

Lower Boise Watershed Council

Stakeholders in the Lower Boise River subbasin initially formed a group known as the “Lower Boise River Water Quality Protection Plan” in 1992, which served as the watershed advisory group, and became a non-profit entity in 1994. The group adopted its current name, the Lower Boise Watershed Council (LBWC), in 2006. This group currently serves as the Lower Boise River Subbasin’s statutory WAG for TMDL development and implementation purposes.

The Council consists of a director/consultant facilitator and 12 active board members. Each board member serves a three-year term with eligibility for additional, consecutive three-year terms. Current stakeholder interests represented on the LBWC include local government, agriculture, flood control, stormwater, industry, environmental, and at-large (retired federal and an additional municipality representative).

Photo Credit: Melissa Wigton-Hill

Documents achieved in cooperation with Lower Boise WAG

- Lower Boise River TMDL: Subbasin Assessment, Total Maximum Daily Loads (September 1999)
- Lower Boise River Nutrient & Tributary Subbasin Assessments (December 2001)
  - Lower Boise River Nutrient Subbasin Assessment (December 2001)
  - Fivemile and Tenmile Creek Subbasin Assessment (December 2001)
  - Mason Creek Subbasin Assessment (December 2001)
  - Sand Hollow Creek Subbasin Assessment (December 2001)
  - Indian Creek Subbasin Assessment (December 2001)
  - Blacks Creek Subbasin Assessment (December 2001)
  - Lower Boise River Tributary Subbasin Assessment Appendices (May 2001)
- Sediment and Bacteria Allocations Addendum to the Lower Boise River TMDL (April 2008; revised June 2012 to account for wasteload allocations)
- Lower Boise River: TMDL Five-Year Review (February 2009)
- Lake Lowell TMDL: Addendum to the Lower Boise River Subbasin Assessment and Total Maximum Daily Loads (September 2010)
- Lower Boise River TMDL: 2015 Sediment and Bacteria Addendum (June 2015)
- Lower Boise River TMDL: 2015 Total Phosphorus Addendum (August 2015)

Photo Credit: Melissa Wigton-Hill

Implementation Plans Developed

- Implementation Plan for the Lower Boise River Total Maximum Daily Load (December 2003)
- Lower Boise River Implementation Plan Total Phosphorus (December 2008)
- Lake Lowell Watershed Total Maximum Daily Load Implementation Plan for Agriculture (June 2012)
- Lower Boise River Total Maximum Daily Load Implementation Plan (2024)

Lower Boise TP Addendum

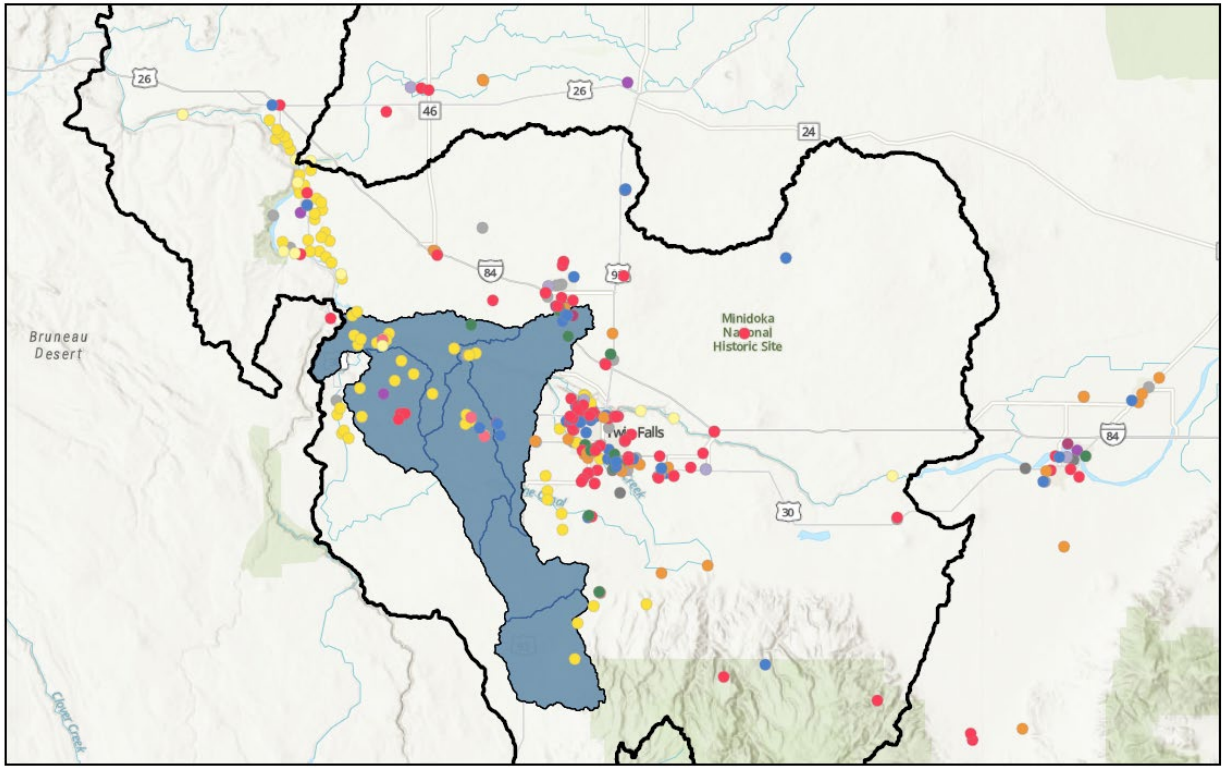
- Its heaviest involvement with DEQ occurred during the development of the Lower Boise Total Phosphorus TMDL addendum, which required nearly bi-weekly technical advisory committee meetings and numerous votes on nutrient model scenarios to determine appropriate TMDL load allocations. Ultimately, giving the WAG options and plenty of opportunity for discussion/comment allowed for successful finalization and implementation of this particular TMDL
- The TMDL established two targets: the first was a year-round in-stream target to address benthic chlorophyll *a* in the Boise River, and the second target was based on meeting the Snake River – Hells Canyon Total Phosphorus TMDL portion at the mouth of the Boise River.

Results: Nutrients in the Boise River

- The state of Idaho and the U.S. Geological Survey have implemented a long-term water quality monitoring program to evaluate the status and trends of phosphorus loading in the Boise River. This program has shown that the concentrations of phosphorus near the mouth of the Boise River have declined by one-third since 2015 — a major improvement.
- **Has been highlighted nationally for success of implementation and reduction of nutrients!**

Photo Credit: John Kotrason

Upper Snake Rock & SWPA Point Sources



HU8 17040212 Watershed
TFRO_IPDES_Permits
- Construction Storm Water GP
- CAAP GP
- CGP - Low Erosivity
- Multi-Sector Storm Water GP
- MSGP - Certificate of No Exposure
- POTW IP
- Unpermitted - other
- Discharging TWTDS
- CAAP GP - Fish Processors
- Indirect Industrial Dischargers
- Industrial Facility - Manufacturing - Process WW
- Other

NWQI SWPA Boundary
NWQI SWPA Subwatersheds
World_Hillshade

1:775,685
0 5 10 20 mi
0 5 10 20 km

Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USFWS, Esri, CGIAR, USGS

Photo Credit: Tasha Owen

Mid-Snake WAG (Upper Snake Rock)

- Creation in 1995 as a result of House Bill 1284
- Primary purpose was to provide input to DEQ and EPA in restoring the beneficial uses and water quality standards of the Snake River, Rock Creek and their major tribs.
- The WAG includes stakeholders from various industries, such as irrigation agriculture, confined animal feeding operations, food processors, aquaculture, municipalities, grazing, recreation, and forestry. Groundwater is also a concern to the WAG and is included in the approved TMDLs.

Documents achieved

Photo Credit: Tasha Owen

- Billingsley Creek TMDL
- Middle Snake River Watershed Management Plan
- Upper Snake Rock Watershed Management Plan
- Upper Snake Rock TMDL Modification
- Upper Snake Rock Subbasin TMDL City of Twin Revision
- Upper Snake Rock TMDL Five-Year Review
- Upper Snake Rock TMDL Addendum (In Progress since 2017)

Upper Snake Rock TP Addendum

- EPA requested addendum to original TP TMDL in 2017
- Secular industry outlooks. The industries will work with us, but not with each other
- Active voices from industry, environmental groups, and regulatory
- Extensive meetings, technical advisory groups, votes, stall-tactics
- WLA development has been ongoing for years (everyone gets a voice, but not everyone a vote)
  - Aquaculture (one big general permit with close to 90 facilities)
  - Municipalities all individual but WLA developed the same
- Contentious and complicated
- Still heavily polluted with nutrients. Nonpoint source load is over 95% and unenforceable in Idaho.

What's next for the Mid-Snake WAG

Photo Credit: Tyana Garbardi

- Through successful (at times aggressive) management of the Mid-Snake WAG, progress on the TP Addendum is being made.
- WLAs are moving forward with the reminder that WAGs are "advisory" only to DEQ
- Estimations that a draft TMDL addendum will be presented to EPA in 2026
- The Addendum will be precedent setting for Idaho, including an Adaptive Management approach and extensive Reasonable Assurance

Thank You.

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