



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

FEB - 6 2007

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Department of Environmental Quality
State Water Quality Division

Reply To
Attn Of: OWW-134

Barry Burnell, Administrator
State Water Quality Program
Department of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

RE: Approval of Kootenai River and Moyie River Subbasin TMDLs (Hydrologic Unit Code 17050124)

Dear Mr. Burnell:

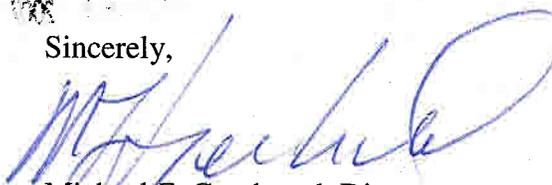
The U.S. Environmental Protection Agency (EPA) is pleased to approve the sediment, and temperature Total Maximum Daily Loads (TMDLs), as listed in the attached table, for the Kootenai and Moyie River Subbasins, as submitted on October 6, 2006, with minor corrections in January 2007. This approval does not constitute approval for de-listing of waters within Hydrologic Unit Code 17050124 from the Idaho 2002 §303(d) list. Any proposed de-listing of waters will be considered at the time of submission of the next §303(d) list of impaired waters.

This TMDL was developed under a Memorandum of Understanding between the Kootenai Tribe, the Department of Environmental Quality, and EPA, and took three years to complete. We would like to recognize Patty Perry, and the leadership role the Tribe has played, in facilitating a very lengthy yet productive public involvement process. We also want to recognize the very significant and constructive role the Technical Advisory Committee played in this process. They have been very patient in wading through the myriad technical and policy issues. Their input into the TMDL and the Implementation Plan is crucial to ensuring that the TMDL is accepted and implemented by land owners. Finally, we want to acknowledge the work of Bob Steed and others at IDEQ. Staffing changes and resource limitations have made it very difficult to reach this point. It is to the credit of these individuals that the TMDL is thorough, and provides clarity as to nature of the problems, and what needs to be done to solve them. Thank you all for your efforts.

The October 6 2006, submittal also includes the Implementation Strategies for the TMDLs. The strategies were developed and submitted pursuant to the TMDL Settlement Agreement of July 2002. EPA currently has no duty to approve or disapprove Implementation Strategies under Section 303(d) of the Clean Water Act (CWA) and therefore, EPA is not taking action on them. However, implementation is the critical next step to realize improvements in water quality, and we encourage IDEQ to continue their work with Responsible Parties on implementation.

By EPA's approval, these TMDLs are now incorporated into the State's Water Quality Management Plan under §303(e) of the Clean Water Act. If you have any comments or questions, please feel free to call me at (206) 553-7151, or you may call Leigh Woodruff at (208) 378-5774.

Sincerely,



Michael F. Gearheard, Director
Office of Water and Watersheds

Enclosure

cc: Patty Perry, Kootenai Tribe of Idaho
Jennifer Porter, Chair, Kootenai Tribe of Idaho
Darrell Kerby, Mayor, City of Bonners Ferry
Dan Dinning, Commissioner, Boundary County
Gary Aitken Sr., Kootenai Tribe of Idaho
Mike McIntyre, IDEQ Surface Water Program Manager
Marti Bridges, IDEQ TMDL Program Manager
Ed Tulloch, IDEQ Regional Water Quality Manager
Robert Steed, IDEQ Regional TMDL Manager
Kristin Boyles, Earthjustice Legal Defense Fund
Laird Lucas, Advocates for the West

*Kootenai-Moyie Approved TMDLs
1/18/07*

<i>Waterbody Segment [WQLS]</i>	<i>Assessment Unit(s) of ID 17010104</i>	<i>Pollutant</i>
Boundary Creek	PN002_02	Temperature
Boundary Creek	PN002_03	Temperature
Cow Creek	PN006_02	Sediment
Cow Creek	PN006_03	Sediment
Deep Creek	PN025_02	Temperature
Deep Creek	PN022_03	Sediment, temperature
Deep Creek	PN019_04	Sediment, temperature
Deep Creek	PN018_04	Sediment, temperature
Deep Creek	PN015_04	Sediment, temperature