



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

AUG 17 2005

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Reply to
Attn. of M/S - OWW134

Barry N. Burnell, Administrator
Water Quality Division
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

Department of Environmental Quality
State Water Quality Division

RE: Approval of North Fork Payette River Subbasin TMDLs (Hydrologic Unit Codes 17050123)

Dear Mr. Burnell:

The U.S. Environmental Protection Agency (EPA) is pleased to approve the sediment and temperature Total Maximum Daily Loads (TMDLs) listed in table below for the North Fork Payette River Subbasin, as submitted on August 9, 2005 and received by EPA on August 12, 2005.

Waterbody Name	Assessment Unit (HUC 7050123)	Waterbody Segment ID (WQLS)	Pollutant
Big Creek (Horsethief Creek to North Fork Payette River)	SW004_06 SW004_03	ID2891	Sediment
Box Creek (Headwaters to NF Payette River)	SW018_02	ID2075	Temperature
Clear Creek (Headwaters to North Fork Payette River)	SW003_02 SW003_02	ID2890	Sediment
Fall Creek (Headwaters to Big Payette Lake)	SW017_03	ID2076	Temperature
North Fork Payette River (Clear Creek to Smith's Ferry)	SW001_06	ID6882	Sediment
Round Valley Creek (HW to NF Payette River)	SW002_03	ID2889	Sediment

The draft and final North Fork Payette River Subbasin Assessment and TMDL document included a list of recommended changes to Idaho's 303(d) list for the next listing cycle. EPA appreciated the opportunity to review the basis for the proposed listing changes prior to the official submittal. Jayne Carlin provided comments on the proposed listing changes on May 24, 2005. We understand that Idaho will submit these proposed changes as a part of the next 303(d) list. At the time the 303(d) list is submitted, EPA will make a final agency determination under a separate administrative process.

EPA appreciates Leslie Freeman's coordination with EPA prior to the public comment period, including sharing of preliminary documents with EPA staff and providing a tour of the watershed to Jayne Carlin of my staff. We support early involvement and believe it results in a better understanding of the approaches used to develop the TMDL and enables meaningful discussion between Idaho and EPA staff that can later expedite EPA's review of the final document.

Furthermore, the tour helped Jayne in her understanding of the complexities in developing these TMDLs, as well as the goals and objectives of planned and ongoing water quality restoration efforts in this watershed.

EPA applauds IDEQ's use of riparian shade necessary to meet the temperature water quality standards as a surrogate for temperature in recent TMDLs. Expressing temperature targets in this manner helps explain to the public the nature of the problem that is resulting in the impairment (i.e., absence of shade and degraded riparian habitat), as well as a better understanding of what is needed to restore the stream. It also provides a measurable indicator that landowners can use to assess the current condition of their streams and evaluate progress over time as a result of their restoration activities.

The submittal also included the implementation strategy for the TMDLs. IDEQ developed and submitted this strategy 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). Therefore, EPA is not taking action on this implementation strategy. However, we believe implementation is the critical next step for realizing improvements in water quality called for in the TMDL and encourage IDEQ to continue their work with appropriate parties and agencies to ensure that necessary actions are taken to achieve the TMDL reductions. We hope that continued collaboration will result in effective implementation of the TMDL and restoration of water quality in the North Fork Payette River subbasin.

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) 553-1261, or you may call Jayne Carlin of my staff at (206) 553-8512.

Sincerely,



Michael F. Gearheard, Director
Office of Water and Watersheds

cc: Toni Hardesty, Director, Idaho Department of Environmental Quality
Mike McGown, Regional Administrator, IDEQ
Doug Conde, IDEQ Deputy Attorney General
Mike McIntyre, IDEQ Surface Water Program Manager
Marti Bridges, IDEQ TMDL Program Manager
Craig Shepard, Boise Regional Office Water Quality Manager
Leslie Freeman, IDEQ, Boise Regional Office