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,

[Signature]

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
<table>
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