



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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WATER
DIVISION

May 25, 2022

Dr. Mary Anne Nelson
Administrator
Surface and Wastewater Division
Idaho Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706
Mary.Anne.Nelson@deq.idaho.gov

Re: EPA Approval of Idaho's 2022 Section 303(d) List

Dear Dr. Nelson:

The U.S. Environmental Protection Agency has conducted a review of Idaho's 2022 Integrated Report (IR), including the Clean Water Act (CWA) section 303(d) list, and the associated supporting documentation and information. EPA received Idaho's initial 2022 303(d) list submittal on May 2, 2022 and a revised list submittal on May 6, 2022 through the Assessment, Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS).¹ Idaho's submittal includes Idaho's 303(d) list of impaired waters. In taking this action, EPA considered the information in its record, including but not limited to, Idaho's 2022 Category 5 data in ATTAINS and the narrative report submitted by the Idaho Department of Environmental Quality (IDEQ).

Pursuant to EPA's authorities under section 303(d) of the CWA, 33 U.S.C. Section 1313(d), and the implementing regulations at 40 CFR Part 130, EPA is approving Idaho's 2022 303(d) list of 948 waterbody segment/pollutant pairs. Although IDEQ's IR describes the status of all of Idaho's waters, EPA is only acting on the waters listed in Category 5 of the IR, which is the State's 303(d) list. A summary of EPA's review of Idaho's compliance with each statutory and regulatory requirement is described in the enclosure to this letter.

In 1994, in response to a federal District Court order, EPA published a 303(d) list for the State of Idaho which identified all impaired waters within the state, including some waters within Indian Country as defined at 18 U.S.C. § 1151. For the 2022 IR, consistent with the 2018/2020 IR, IDEQ placed all waters within Indian Country into Category 3t, a state designated sub-category of EPA Category 3. The Agency's approval of the State's 2022 section 303(d) list does not apply to any waters, or portions thereof, that are within Indian Country. EPA is taking no action to approve or disapprove the State's list with respect to any waters within Indian Country.

¹ATTAINS is EPA's electronic system to accept and track CWA section 303(d) submissions.

We would like to acknowledge the hard work of Thea Wickersham, Robert Esquivel, and the IDEQ regional office staff in developing the 2022 section 303(d) list.

If you have any questions, please feel free to contact me at (206) 553-1855 or opalski.dan@epa.gov, or have your staff contact Michelle Maier, EPA Assessment Coordinator, at (503) 326-6994 or maier.michelle@epa.gov.

Sincerely,

Daniel D. Opalski
Director

Enclosure: EPA Clean Water Act Review and Decision Rationale

cc: Brent King, Deputy Attorney General, IDEQ; Brent.King@deq.idaho.gov
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Thea Wickersham, Federal Reporting Lead, IDEQ; Thea.Wickersham@deq.idaho.gov

U.S. EPA Clean Water Act Review and Decision Rationale for Approval of Idaho's 2022 303(d) List

[May 25, 2022]

Summary

The purpose of this document is to describe the U.S. Environmental Protection Agency's rationale for approving Idaho's 2022 Clean Water Act (CWA) section 303(d) list of water quality limited segments (WQLS), identified in the State's 2022 Integrated Report (IR). The report includes data and information collected during a five-year period, from January 1, 2016 to December 31, 2020.

The following sections identify those elements required to be included in the list submittal based on the CWA and EPA regulations (see 40 CFR § 130.7). EPA reviewed the methodology used by the State in developing its list and the description of the data and information it considered. EPA's review of Idaho's 303(d) list is based on the Agency's analysis of whether the State reasonably considered existing and readily available water quality data and information and reasonably identified waters required to be listed. This review describes the basis for EPA's decision to approve the State's listings of WQLS requiring a Total Maximum Daily Load (TMDL).

Section 305(b) of the CWA requires that each state report every two years on the health of all its waters. EPA recommends that states combine the 303(d) list with the 305(b) report to create an IR. Each state's 303(d) list is due on April 1 of even-numbered years. EPA is required to approve or disapprove the 303(d) list (33 U.S.C. § 1313(d)(2); 40 CFR § 130.7(d)(2)).

IDEQ released the draft IR for public review from February 18 through March 21, 2022. IDEQ submitted the initial IR to EPA on May 2, 2022 and a revised IR on May 6, 2022 for CWA review and action on the section 303(d) list.

Pursuant to EPA's authorities under section 303(d) of the CWA, 33 U.S.C. § 1313(d), and the implementing regulations at 40 CFR Part 130, EPA is approving Idaho's 2022 303(d) list. Although IDEQ's IR describes the status of all of Idaho's waters, EPA is only acting on the waters listed in Category 5 of the IR, which is the State's 303(d) list. The remainder of this document presents EPA's rationale in support of this decision.

I. EPA's Review Process

EPA reviewed Idaho's draft and the 2022 303(d) list submittal, including the priority ranking of impaired waters, the data solicitation process, and the public participation process. In its review of the 2022 303(d) list, EPA evaluated whether the State satisfied the regulatory requirement to assemble and evaluate all existing and readily available water quality-related data and information and reasonably identified waters required to be listed. IDEQ published the latest version of its assessment methodology, the Water Body Assessment Guidance (WBAG) III, in 2016 (IDEQ 2016). While EPA does not approve assessment methodologies, it reviewed and provided comments during development of the draft WBAG III. EPA's approval of a state's section 303(d) list should not be construed as agreement with or approval of the listing methodology. In reviewing the 303(d) list, EPA took into account WBAG III as supporting documentation, but the goal of EPA's review was ultimately to determine whether the State reasonably made its listing determinations consistent with the applicable regulatory requirements.

EPA must take action to approve or disapprove the State's submitted 303(d) list (40 CFR § 130.7(d)(2)). Because the 303(d) list is submitted as a component of the IR, EPA also reviews the IR to ensure documentation to support the State's 303(d) list submittal, described at 40 CFR § 130.7(b)(6), is included.

EPA concludes the State reasonably assembled and evaluated all existing and readily available data and information, in compliance with the applicable regulatory requirements including data and information relating to the categories of waters specified in 40 CFR § 130.7(b)(5). Based on this review, EPA has determined that the State developed its section 303(d) list in compliance with section 303(d) of the CWA and 40 CFR § 130.7. This conclusion is supported by the information outlined in Parts II and III of this document.

II. Review of 303(d) List Required Elements and Integrated Report

A. Status of Waters in the State

EPA's 2002 Integrated Water Quality Monitoring and Assessment Report Guidance (EPA 2001) suggests a categorization strategy where waterbodies are placed into at least one of five different categories, based on attainment of water quality standards (WQS) and beneficial use support. Idaho uses similar categories for its IR and has developed definitions of each category, as described below. The categorized waters can be found in Appendix A of the IR. Idaho defines its categories as follows:

- **Category 1:** Waters are wholly within a designated wilderness or 2008 Idaho Roadless Rule “Wild Land Recreation” area and are presumed to be fully supporting all beneficial uses.
- **Category 2:** Waters are fully supporting those beneficial uses that have been assessed. The use attainment of the remaining beneficial uses has not been determined due to insufficient (or no) data and information.
- **Category 3:** Waters have insufficient (or no) data and information to determine if beneficial uses are being attained or impaired. Category 3 has an additional subcategory:
 - Category 3t: Waters are wholly or partially on Indian reservations and are not subject to the State's sections 305(b)/ 303(d) reporting requirements. Beneficial use attainment is not determined or reported for these waters.
- **Category 4:** Waters do not support one or more beneficial uses, but they do not require development of a TMDL. Category 4 has three subcategories:
 - Category 4a: Waters have a TMDL completed and approved by EPA.
 - Category 4b: Waters have had pollution control requirements other than a TMDL placed on them, and these waters are reasonably expected to attain the water quality standard within a reasonable period of time.
 - Category 4c: Waters failing to meet applicable WQS due to other types of pollution (e.g., flow alteration), not a pollutant.
- **Category 5:** Waters do not meet applicable WQS for one or more beneficial uses due to one or more pollutants; therefore, an EPA-approved TMDL is needed. Category 5 water bodies make up the 303(d) list.

Based on this categorization scheme, the term "303(d) list" refers only to waters in Category 5, which is the list of impaired and threatened waters (stream/river segments and lakes) requiring a TMDL. The State identifies these waters where required pollution controls are not sufficient to attain or maintain applicable WQS. The listing requirement applies to waters impaired by point and/or nonpoint sources, pursuant to EPA's long-standing interpretation of CWA section 303(d).

The CWA and EPA regulations require states to include the following information as part of their 303(d) list submittal:

- A list of water quality-limited (impaired and threatened) waters still requiring TMDL(s) [waters assigned to Category 5], pollutants causing the impairment, and priority ranking for TMDL development (including waters targeted for TMDL development within the next two years).
- Any other reasonable information requested by EPA, such as demonstrating good cause for not including a water or waters on the list.

EPA regulations provide that states must list waters where the following controls are not adequate to implement applicable WQS: (1) technology-based effluent limitations required by the CWA, (2) more stringent effluent limitations required by state or local authority, and (3) other pollution control requirements required by state, local, or federal authority. See 40 CFR § 130.7(b)(1).

Pursuant to section 303(d) and EPA's implementing regulations, states may remove waterbody segments from the 303(d) list, or delist them, after they have developed a TMDL or after other changes to correct water quality problems have been made. If a state uses EPA's recommended system of categorization, that may entail moving a waterbody from Category 5 into a different assessment category. For example, once a TMDL has been approved, the state may move a WQLS from Category 5 to Category 4a. Sometimes, "other pollution control requirements" are stringent enough to implement WQS (see 40 CFR § 130.7 (b)(1)). In these cases, the state can develop a plan that meets the elements outlined in EPA's Information Concerning 2008 Clean Water Act Sections 303(d), 305(b) and 314 Integrated Reporting and Listing Decisions (EPA 2006). Once the plan has been developed and accepted by EPA, the state may move the WQLS into Category 4b. If WQS are attained and beneficial uses are supported, the waters are moved to Category 2. Occasionally, a waterbody can be taken off the 303(d) list as a result of a change in WQS; however, any new or revised WQS must first be submitted to EPA and approved pursuant to CWA section 303(c).

EPA reviewed IDEQ's 303(d) list and supporting documentation and information, and concludes the State reasonably assembled its assessment of the water quality of all waters in the State, in accordance with the regulations and suggested categorization schemes.

B. Priority Ranking

EPA regulations codify and interpret the requirement in section 303(d)(1)(A) of the CWA that states establish a priority ranking for listed waters. The regulations at 40 CFR § 130.7(b)(4) require states to "include a priority ranking for all listed water quality limited segments still requiring TMDLs." States must also identify those WQLS targeted for TMDL development within the next two years. The CWA does not prescribe a particular method of expressing a priority ranking and states have flexibility in how they define and describe their priorities. In prioritizing and targeting waters, states must, at a minimum, consider the severity of the pollution and the uses to be made of such waters. States may consider other factors relevant to prioritizing waters for TMDL development, including immediate programmatic needs; vulnerability of particular waters as aquatic habitats; recreational, economic, and aesthetic

importance of particular waters; degree of public interest and support; and state or national policies and priorities.²

EPA reviewed the State's priority ranking of listed waters for TMDL development and concludes that the State satisfied the requirement to take into account the severity of pollution and the uses to be made of such waters (33 USC 1313(d)(1)(A)). EPA also concludes that the State satisfied the requirement to “specifically include the identification of waters targeted for TMDL development in the next two years” (40 CFR § 130.7(b)(4)). The priority ranking of waters for TMDL development can be found in Appendix F of the IR.

C. Consideration of Data and Listing Methodology

In developing 303(d) lists, states are required to assemble and evaluate all existing and readily available water quality-related data and information (40 CFR § 130.7(b)(5)). This includes, at a minimum, consideration of data and information regarding the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the state's most recent section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate nonattainment of applicable standards; (3) waters for which water quality problems have been reported by governmental agencies, members of the public, or academic institutions; and (4) waters identified as impaired or threatened in any section 319 nonpoint assessment submitted to EPA. In addition to these minimum categories, states must take reasonable steps to assemble and evaluate any other water quality-related data and information that is existing and readily available. States may decide whether or not to rely on particular data or information in determining whether to list the applicable waters.

In addition to requiring states to assemble and evaluate all existing and readily available water quality-related data and information, EPA regulations at 40 CFR § 130.7(b)(6) require states to include, as part of their list submittal to EPA, documentation to support the decisions on whether or not to rely on particular data and information, as well as the decisions on whether or not to list waters. Such documentation must include, at a minimum, the following information: (1) a description of the methodology used to develop the 303(d) list (i.e. the ‘listing methodology’); (2) a description of the data and information used to identify waters; (3) a rationale for any decision not to use existing and readily available data and information; and (4) any other reasonable information requested by EPA.

Section 3.2 of the IR references the listing methodology used by IDEQ to develop the 2022 303(d) list. The listing methodology is found in the document, WBAG III (IDEQ 2016). WBAG

² <https://www.epa.gov/sites/default/files/2015-10/documents/2006irg-report.pdf> at p. 63-64

III contains a standardized approach for developing the 303(d) list, and was subject to a public revision process. IDEQ used the assessment category decision factors identified in WBAG III as the basis for the 2022 listing decisions. EPA has reviewed these decisions and concludes the State's assessments are consistent with the federal listing requirements at 40 CFR § 130.7(b) and applicable WQS.

IDEQ actively sought data and information collected by federal agencies, other state agencies, tribes, local governments, watershed councils and private and public organizations and individuals. A 60-day call for data was conducted from December 4, 2020 to February 4, 2021. After the call for data, IDEQ evaluated the data and information and prepared the statewide assessment and list of impaired waters. The data and information were used according to the data tiering process outlined in Table 4 and Section 3.2.2 of the IR. A summary of the external data and information that was received during the call for data, including the data and information used and not used for assessments in the 2022 IR, and rationale for any data and information that were not used, is included in Appendix K. Appendix K also summarizes external data and information IDEQ queried from public databases, and the data and information used and not used for the assessments.

In addition to the data and information received during the call for data, IDEQ received data during the public comment period in comments submitted by the United States Geological Survey (USGS) and Hecla Mine. The State's analysis of these data and resulting assessment determinations can be found in Appendix K and in the responses to comments in Appendix J. During the comment period, IDEQ also received comments from the Bureau of Land Management (BLM) recommending additional data sources to be considered. However, BLM did not submit the additional data sources it was citing to IDEQ by the close of the public comment period. IDEQ's responses to the BLM comments are found in Appendix J. EPA recommends IDEQ seeks the relevant and applicable data from BLM to evaluate for the next listing cycle.

D. Public Participation Process

The draft 2022 IR and list of WQLS were presented for public comment from February 18, 2022 to March 21, 2022. IDEQ received seven comment letters and provided responses in Appendix J of the IR. EPA has considered IDEQ's public participation process for the 2022 IR and 303(d) list as part of its review of the State's section 303(d) list.

III. Changes from Previous IR Cycle

A. Waters IDEQ Added to Category 5

According to IDEQ's IR (see Section 3.3.2.1), a total of 213 new Category 5 listings were added in 2022, the majority of which were new listings based on new and readily available data. Summary reports of the new Category 5 listings were downloaded from ATTAINS. EPA reviewed the basis and rationale for these additions to the 303(d) list and is approving them as consistent with CWA section 303(d) and EPA's implementing regulations.

B. Waters Removed from Category 5

According to IDEQ's IR (see Section 3.3.2.2), a total of 31 Category 5 listings from 2018/2020 were removed ("delisted") in 2022. This includes four delistings because data indicates the standard has been attained; 19 delistings due to approval of a TMDL; and eight delistings to either create consistencies in terminology, remove a duplicative listing, or correct identification of the impairment. Based on its review, EPA finds that Idaho has provided an adequate basis, including good cause consistent with 40 CFR § 130.7(b)(6)(iv), for not including these previously listed waterbody segment/pollutant pairs on its 2022 303(d) list. IDEQ has provided sufficient justification and documentation for each of these delistings in its IR submittal to EPA, which is contained in Appendix D of the IR. Delisted waterbody segment/pollutant pairs were moved to Category 2 if there were sufficient data to support attainment status. Waterbody segment/pollutant pairs with an EPA approved TMDL were moved to Category 4a. The 'delisting with good cause' reasons are summarized and described further below. The basis and rationale for each of these changes were reviewed by EPA and were found to be consistent with CWA section 303(d) and EPA's implementing regulations.

i. WQS Attainment

IDEQ removed four waterbody segment/pollutant pairs from Category 5 (i.e. 303(d) list) because data indicates they are meeting WQS. EPA believes IDEQ removed these waterbody segments/pollutant pairs from the 303(d) list in compliance with section 303(d) of the CWA and 40 CFR § 130.7.

EPA concludes IDEQ reasonably identified waterbody segments to be removed from the list in light of the existing and readily available data and information showing WQS were being met. EPA has determined the removal of these water segments is consistent with 40 CFR § 130.7.

ii. TMDLs Approved by EPA

IDEQ removed 19 waterbody segment/pollutant pairs from Category 5 based on EPA approval of TMDLs for these waterbody segment/pollutant combinations. These 19 waterbody

segment/pollutant pairs were placed in Category 4a of the 2022 IR. Under EPA regulations at 40 CFR § 130.7, the 303(d) list is an inventory of waterbodies impaired by a pollutant and requiring a TMDL. EPA concludes that IDEQ's removal of these 19 waterbody segment/pollutant pair from the 303(d) list with an EPA approved TMDL is consistent with the requirements at 40 CFR § 130.7.

iii. Other Reasons for Delisting

IDEQ removed eight waterbody segment/pollutant pairs from Category 5 for other reasons with good cause. These removed waters are separate and distinct from the waters no longer on the 303(d) list due to WQS attainment. IDEQ delisted eight waterbody segment/pollutant pairs to either create consistencies in terminology, remove a duplicative listing, or correct identification of the impairment (e.g., delisting combined biota/habitat bioassessment and instead listing temperature as the refined cause of impairment). Consistent with 40 CFR § 130.7(b)(6)(iv), EPA concludes IDEQ provided good cause for the decisions to remove these eight waterbody segment/pollutant pairs consistent with the requirements at 40 CFR § 130.7.

C. Category 4b

Under 40 CFR § 130.7(b)(1), states are not required to identify WQLS still requiring TMDLs where technology-based effluent limitations required by the CWA, more stringent effluent limitations required by either a state or local authority, or other pollution control requirements required by state, local, or federal authority, are stringent enough to implement applicable WQS. EPA's guidance states that waterbodies with other appropriate pollution control requirements may be placed in Category 4b. EPA's memo dated October 12, 2006, Information Concerning 2008 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions, describes the requirements for a Category 4b demonstration as a basis for excluding an impaired waterbody from the 303(d) list.³

IDEQ previously placed four waterbody segment/pollutant pairs in Category 4b in the 2010 IR (ID17060205SL012_02a, ID17060205SL012_05, ID17060205SL013_03, ID17060205SL013_04). This is supported by the Bear Valley Creek 4b Justification, which addresses fifty-one miles of stream (IDEQ and USFS, 2010). The 4b justification includes a schedule for implementing the pollutant controls between 2010 and 2020. It includes Casner Creek stream restoration targeted for 2010 and road improvements (GRAIP-identified) targeted

³ Available at https://www.epa.gov/sites/default/files/2015-10/documents/2006_10_27_tmdl_2008_ir_memorandum.pdf

from 2011 to 2016. The 4b justification also included a list of planned monitoring and assessments for the reaches (Table 2.16 of the 4b).

IDEQ provided the following on the progress of meeting the 4b justification milestones in Appendix A of the IR:

"In 2010, a CWA Section 319 grant supported the restoration of an Upper Bear Valley Creek tributary - Casner Creek. The Casner Creek Stream Restoration Project was completed in 2013 and included the removal of a berm, the installation of 10 biolog structures, and the revegetation of areas disturbed by the berm removal and biolog installations with sedge mats, willows, and native seed mix. From 2009 to 2011, USFS used the Geomorphic Road Analysis and Inventory Package (GRAIP) to identify key locations where road sediment entered Bear Valley streams. Using this information, the USFS completed numerous road remediation projects to address prioritized source areas. This AU was also monitored by BURP in 2015 and was assessed in the 2016 IR cycle using that data. The area was impacted by wildfires in 2016 and 2017 (Pioneer and Bearskin fires) and was not monitored in the 2018 BURP season (as was originally outlined in the 4b plan) - the effects of these fires have confounded measurement of water quality improvement. DEQ planned to collect BURP data in this AU as part of the Monitoring Initiatives Grant project for the 2021 field season, but the close proximity of the 2021 Boundary Fire prevented site visits and sampling activities."

IDEQ also provided the following Assessment Unit (AU) specific updates:

ID17060205SL012_02a – "During a 2018 snorkel survey, Idaho Fish and Game recorded 2 Chinook salmon in this AU."

ID17060205SL012_05 – "Idaho Fish and Game performed two snorkel surveys in 2015 and 2018 and recorded 105 and 31 Chinook salmon on 7/12/2015 and 7/13/2015, respectively, and 23 and 45 Chinook salmon on 7/17/2018 (at two locations)."

EPA reviewed the information and the progress updates on the goals of the Bear Valley Creek 4b Justification and agrees that delays in meeting some of the milestone dates outlined in the plan are reasonably expected due to the 2016 and 2017 Pioneer and Bearskin fires and the 2021 Boundary fire.

IV. EPA Comments

EPA provided comments on five topics, summarized below, during the public comment period. Based on our review of IDEQ's responses and additional information provided, EPA concludes that the Agency's concerns have been fully addressed.

A. External Data

40 CFR §130.7(b)(6)(iii) requires “a rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters.” EPA recommended that IDEQ include a summary of the external data received and a rationale for any data that were not used. In response, IDEQ added Appendix K “External Data Summary” to the IR that includes a summary of the external data that were received during the call for data, a description of whether the data were used or not in the assessment, and a rationale for any decision to not use external data. Appendix K also summarizes external data that IDEQ queried from public databases, and if the data were used or not for the assessments.

B. AU-Specific Delistings

EPA recommended that IDEQ further evaluate any other potential causes of biological impairment besides temperature for five AUs (ID17040214SK018_02, ID17040205SK005_02, ID17040205SK008_02, ID17040205SK030_02, and ID17040205SK009_02) that were proposed to be delisted from Category 5 for combined biota/habitat bioassessments. In response, IDEQ retained the Category 5 listing for combined biota/habitat bioassessments for these five AUs in the 2022 IR and will gather additional data and reassess during the 2024 integrated reporting cycle.

C. Count of Approved AU-Pollutant TMDLs

IDEQ reviewed the count of approved AU-pollutant TMDLs from July 15, 2020 to the time of IR submittal to EPA. The total in the IR submittal includes an additional 24 revised AU-pollutant TMDLs for the Salmon Falls Creek subbasin which were approved by EPA on October 12, 2021 and four new AU-pollutant TMDLs for the upper Spokane River which were approved by EPA on April 1, 2022.

D. Appendix D and Count of Delistings

IDEQ reviewed the count of delistings prior to the final submission of the IR and updated the number to a total of 46 AU-pollutant delistings from Category 5 or Category 4. IDEQ delisted 46 AU-pollutant combinations in the 2022 IR: 31 from Category 5, 14 from Category 4a, and 1 from Category 4c. A comment field is included for each delisting in Appendix D which describes the delisting rationale and the change in the IR category from the combined 2018/2022 IR.

E. Appendix C Lochsa River Subbasin Temperature Natural Conditions Assessment

EPA provided specific comments and suggested modifications to the 4th paragraph on page 34 of the Lochsa River Subbasin Temperature Natural Conditions Assessment in Appendix C of the IR. EPA agrees that the approach can provide a conservative estimate of stream shade deficits resulting from human activities. However, we also understand that modeled shade estimates

developed for this effort were accurate and are representative of expected conditions. In response, IDEQ made edits to the relevant paragraph to capture that the model performance was considered adequate for the intended application.

V. Tribal Engagement

EPA Region 10's policy is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests. During Idaho's public comment period on the draft 303(d) list, EPA sent invitation letters to the following federally recognized tribal governments to participate in a government-to-government consultation with EPA on the pending CWA action: Coeur d'Alene Tribe, Kootenai Tribe of Idaho, Nez Perce Tribe, Shoshone-Bannock Tribes of Fort Hall, and Shoshone-Paiute Tribes. Letters were also sent to the Upper Snake River Tribal Federation (USRTF), Columbia River Intertribal Fish Commission (CRITFC), and Upper Columbia United Tribes (UCUT). EPA held an informational webinar about the draft 2022 IR and EPA's pending CWA action on March 10, 2022. On March 16, 2022, EPA received a request for consultation from the Kootenai Tribe of Idaho, and on March 31, 2022, EPA participated in a virtual government-to-government consultation meeting with the Kootenai Tribe of Idaho. Following the consultation meeting, EPA summarized the discussion topics and follow-up actions in a letter to the Kootenai Tribe of Idaho on April 18, 2022. The letter served as a closure to the tribal consultation period for this action.

VI. References

Idaho Department of Environmental Quality [IDEQ]. 2016. Water Body Assessment Guidance, 3rd Edition.

Idaho Department of Environmental Quality [IDEQ] and US Forest Service [USFS]. 2010. Bear Valley Creek 4b Justification. Boise, ID: DEQ and USFS. www.deq.idaho.gov/salmonriver-middle-fork-subbasin

U.S. Environmental Protection Agency [EPA]. 2001. 2002 Integrated Water Quality Monitoring and Assessment Report Guidance.

U.S. Environmental Protection Agency [EPA]. 2006. Information Concerning 2008 Clean Water Act Sections 303(d), 305(b), and 314 Integrated Reporting and Listing Decisions.