



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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WATER  
DIVISION

November 16, 2021

Ms. Melissa Gildersleeve, Supervisor  
Watershed Management Section, Water Quality Program  
Washington Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600  
Sent via email to: [melissa.gildersleeve@ecy.wa.gov](mailto:melissa.gildersleeve@ecy.wa.gov)

Dear Ms. Gildersleeve:

Thank you for transmitting to the U.S. Environmental Protection Agency the East Fork Lewis River Bacteria and Temperature Alternative Restoration Plan that identifies measures to restore waters impaired for bacteria and temperature in the East Fork Lewis River watershed. The EFLR ARP will serve as an alternative restoration approach in advance of TMDL development.

The EFLR ARP is the first ARP in Washington State developed following the collaborative state-EPA 2013 "Long-Term Vision for Assessment, Restoration, and Protection Under the Clean Water Act Section 303(d) Program" (Vision), a framework for flexibility in addressing water quality protection and restoration. The EFLR ARP identifies measures to address 38 impairments in 16 waterbodies that have previously been listed by the State as impaired due to either bacteria or temperature.

The Department of Ecology identified addressing these impairments using an alternative restoration approach as part of the national Vision when the state shared their priority TMDL projects with EPA. In addition, Ecology has identified development of ARPs as a tool moving forward to address impaired waters, in certain areas, where the impairments are well understood and implementation actions in advance of TMDL development would accelerate attainment of water quality standards.

EPA's 2016 Integrated Reporting Memo to states discusses alternative restoration approaches as part of the Vision. The 2016 IR Memo describes the role of ARPs, EPA's considerations, and entering information into EPA's national 303(d) program ATTAINS database. It states, on pages 4-5:

*As emphasized in the Alternatives goal of the Vision, the statutory and regulatory obligations to develop TMDLs for waters identified on States' CWA 303(d) lists remain unchanged, and TMDLs will remain the most dominant analytic and informational tool for addressing such waters. However, EPA recognizes that under certain circumstances there are alternative restoration approaches that may be more immediately beneficial or practicable in achieving WQS [water quality standards] than pursuing the TMDL approach in the near-term. An alternative restoration approach is a near-term plan, or description of actions, with a schedule and milestones, that is more immediately beneficial or practicable to achieving WQS.*

*...[I]mpaired waters for which a State pursues an alternative restoration approach to achieve WQS shall remain on the CWA 303(d) list (i.e., in Category 5) and still require TMDLs until*

*WQS are attained. Taking into account the severity of the pollution, and the uses of waters on the CWA 303(d) list, such waters might be assigned lower priority for TMDL development as alternatives expected to achieve WQS are pursued in the near-term.*

*Recognizing the statutory and regulatory obligations to develop TMDLs for waters on the CWA 303(d) list, States should consider how long waters have been on the CWA 303(d) list before pursuing alternative restoration approaches. In addition, States should periodically evaluate alternative restoration approaches to determine if such approaches are still expected to be more immediately beneficial or practicable in achieving WQS than pursuing a TMDL approach in the near-term. If not, States should re-evaluate whether a higher priority for TMDL development should be assigned.*

The 2016 IR Memo also states on page 5, that,

*To assist States in determining whether an alternative restoration approach is appropriate for a particular water, EPA recommends that States consider the following circumstances associated with the listed waters:*

- 1) There are unique local circumstances (e.g., the type of pollutant or source or the nature of the receiving waterbody; presence of watershed groups or other parties interested in implementing the alternative restoration approach; available funding opportunities for the alternative restoration approach).*
- 2) Initial review of the pollutant or cause of impairment shows that particular point or non-point sources are responsible for the impairment, with clear mechanisms to address all sources (both point and nonpoint), as appropriate (e.g., CWA 319 nine-element watershed-based plans or other restoration plans; source water protection plans; setting new limits when permit is re-issued, which alone or in combination with other actions, is expected to achieve WQS in the listed water).*
- 3) There is stakeholder and public support for the alternative restoration approach, which is important for achieving timely progress in implementing the alternative.*

Ecology's goals in pursuing an alternative restoration approach in the EFLR watershed are discussed in the transmitted EFLR ARP Executive Summary on page 13:

*The East Fork Lewis River (EFLR) watershed is home to one of the fastest growing cities in Washington State, and five high priority populations of Endangered Species Act (ESA) listed salmon and steelhead. The watershed has seen a 47 percent increase in human population between 2000 and 2018, and provides recreation, timber, agriculture, and water resources for the rapidly growing southwest region of the State. At the same time, the watershed supports aquatic life and recreational uses and is key to the recovery of ESA-listed salmon and steelhead that rely on the mainstem and tributaries for critical spawning and rearing habitat. The diversity of functions the watershed supports has made the watershed a central focus of salmon recovery, water quality, water quantity management and planning in Southwest Washington. These planning efforts began in the early 2000's, but continue today, as new partnerships have formed to support development of the East Fork Lewis River Alternative Restoration Plan.*

*Currently, the EFLR and its tributaries are on Washington State's impaired waters list (303d list) for warm water temperatures and bacteria pollution, which drives the need to develop a Total Maximum Daily Load (TMDL) as required by the Clean Water Act. Ecology has chosen to develop this TMDL Alternative Restoration Plan in advance of developing a TMDL in order to expedite the voluntary implementation of best management practices (BMPs) to improve water quality in the East Fork Lewis River. Keeping the watershed clean is important because high levels of bacteria increase risks to people swimming, wading, or fishing. High water temperatures also create poor conditions for fish and other wildlife.*

*The ultimate goal of this Alternative Restoration Plan is to outline a strategy to implement BMPs that will reduce pollution enough to meet water quality standards, in advance of a TMDL. The Plan identifies causes of water quality impairments and pollutant sources and estimates the pollution reductions needed to meet water quality standards. The Plan also describes the implementation needed to reduce sources of pollution. The plan outlines the technical and financial assistance needed and develops an information and education component. An implementation schedule, criteria to measure progress, and a monitoring plan to evaluate effectiveness of implementation efforts is also included in the Plan.*

*Once the ARP is reviewed and accepted by EPA, category 5 impaired waters on the 303(d) list will be changed to category 5-alt waters to recognize that an Alternative Restoration Plan has been developed for the watershed. If water quality standards are not achieved through implementation actions outlined in this Alternative Restoration Plan, a formal TMDL will be required for the watershed. Ecology's goal is to achieve bacteria water quality standards by 2035 and temperature water quality standards by 2055.*

Based on implementation of the measures prescribed in the EFLR ARP, Ecology expects the impaired waterbody segments addressed to meet bacteria standards by 2035 and temperature standards by 2055. The EFLR ARP includes interim reduction targets, starting in 2021 through the targeted attainment date, and monitoring at regular intervals to measure progress. The EFLR ARP explains the multiple new projects and programs that are being developed and implemented within the watershed through the EFLR Partnership, launched by Ecology in 2018, as a collaboration of local, state, and federal agencies, tribal governments, non-profits, and private landowners. Priority activities in the watershed include enhanced management measures to identify and remedy failing septic systems, increased efforts to improve management of runoff from agricultural lands, as well as from stormwater, and implementing riparian restoration, specifically by planting trees along river and stream banks to increase shade and reduce water temperatures.

According to the EFLR ARP, Ecology's goals for bacteria pollution reduction include achieving 100 percent implementation of septic system inspections and maintenance on 1,328 noncompliant septic systems located within 200 feet of the stream by 2030, with interim milestones achieved by 2022, 2023, and 2027 (pages 54-55). Clark County completes routine monitoring in the watershed every five years. The watershed was most recently monitored in 2020, and monitoring will continue (page 55). The short-term goal for reduction of bacteria pollution from agriculture is to provide technical and financial assistance to support implementation of agricultural BMPs by the 689 agricultural landowners located within 200 feet of a stream by 2031. Interim milestones will be achieved by 2023, 2025, 2027, and 2029 (page 71). Ecology is confident in the ability to make progress on reducing bacteria pollution from

agriculture due to the new Clark County pollution identification and correction program, which will start in 2021-2022. This program includes funding for technical assistance, conservation planning, and BMP implementation in priority areas for water quality (page 71).

The EFLR ARP also proposes a phased approach for stormwater management. In phase one, the highest priority is for the City of La Center to develop and implement an illicit discharge detection and elimination program to find and fix illicit cross connections in the Brezee Creek area. To ensure long-term water quality protection, Ecology recommends that the City develop a stormwater management plan and program, and a private stormwater facility inspection and maintenance program, to also help ensure achievement of bacteria water quality standards. Ecology recommends that these plans should be developed by 2025 and implemented by 2030. If water quality standards are not achieved in La Center's portion of Brezee Creek after completion of phase one stormwater activities, then Ecology recommends additional stormwater implementation in phase two, which will focus on implementing stormwater retrofits to improve water quality treatment (page 89).

In addition, the EFLR ARP includes plans and schedules to address high temperatures in the watershed by increasing and restoring riparian shade and restoring streamflow. The long-term goal is to achieve system potential shade at 85 percent tree canopy cover after implementing riparian restoration on all 124.6 river miles, or approximately 1,510 acres of new trees planted by 2035, with trees reaching maturity within 20 to 30 years (i.e., by 2055 to 2065). Interim milestones are to be achieved by 2025, 2028, and 2031. (page 107). An annual survey will be sent to implementing partners to track and measure progress, and to develop an annual report. Clark County completes routine monitoring in the watershed every five years, with the last monitoring occurring in 2020 and the next scheduled for 2025 (page 107). If water temperatures are not improving after significant riparian restoration, then the East Fork Lewis River Partnership will assess if more investment is needed in other implementation areas that benefit water temperatures, such as streamflow restoration activities, including enhancement of cold-water refuge areas, floodplain reconnection, wetland restoration, installation of large wood, and other water resources activities, such as water rights acquisition, irrigation efficiency, and water use conservation (page 186).

The EFLR ARP concludes that significant investment is needed in the East Fork Lewis River watershed to achieve bacteria and temperature water quality standards. Ecology's goals are to address priority agricultural parcels by 2031 through technical and financial assistance, priority noncompliant septic systems in the watershed by 2032 through septic system inspections, maintenance, and repair, and implement riparian restoration on 100 percent of the mainstem and tributaries by 2035, with the goal to achieve tree maturity by 2055 to 2065. Additionally, Ecology will work with stormwater permittees to develop and implement stormwater activities by 2030, working towards the target of achieving stormwater retrofits on one percent of La Center's urban growth areas by 2035. If water quality has not improved, additional stormwater retrofits will be recommended for the City of La Center and throughout the watershed. Ecology will assess whether the watershed is meeting water quality standards for bacteria by 2035 and whether temperature water quality standards are being met by 2055 (page 186).

Effectiveness monitoring is discussed in Chapter 12, and the EFLR ARP states that it will be the primary tool to evaluate whether the implementation of the BMPs discussed in the ARP are resulting in improved water quality. Analysis of temperature and *E. coli* bacteria are the main parameters that Ecology will utilize to measure success. The ARP includes a timeline for implementing effectiveness

monitoring in the watershed. Ecology will determine whether bacteria water quality standards are met by 2035 and temperature effectiveness monitoring will be completed by 2055 to allow time for tree growth and maximum riparian shade (page 188).

Water quality impaired segments on the list that the State develops under CWA section 303(d) remain listed as impaired (i.e., “Category 5”) and development of TMDLs is required until WQS are achieved, including segments for which the State develops and implements an alternative restoration approach. EPA has created an optional subcategory under Category 5—Subcategory 5-alternative (“5-alt”)—as an organizing tool to identify for the public the listed water quality-impaired segments for which a state has developed and is implementing such alternative approaches. EPA recommends the subcategorization of 5-alt in the ATAINS database to identify the impaired waterbodies that have been targeted for State action using alternative restoration measures. Ecology has indicated that that the waters addressed by the EFLR ARP will be subcategorized as 5-alt in the next list submission. Because waters for which alternative restoration approaches are pursued remain in Category 5 on the CWA section 303(d) list, EPA need not take action “to approve or disapprove” a State’s alternative restoration approach under CWA section 303(d). Category 5 waters remain listed as impaired and require a TMDL unless and until evidence demonstrates that the water is attaining applicable water quality standards or until a TMDL is submitted by the state and approved by EPA.

EPA Region 10 staff have reviewed the information provided in the EFLR ARP and related documents and agree that the EFLR ARP considered the elements discussed in the 2016 IR Memo. Therefore, the EFLR ARP will be counted toward EPA measure WQ-27 for FY 2022, once the plan and its associated waterbodies are uploaded into ATAINS with the 5-alt designation.<sup>1</sup>

EPA recommends that the description of this EFLR ARP be included during the public review of the State’s next draft CWA section 303(d) list or Integrated Report. Inviting review will allow the public an opportunity to review the State’s alternative restoration approach, as well as the State’s associated assignment of the priority ranking for development of a TMDL for these impairments. Additionally, because the Integrated Report and its public comment process occur every two years, EPA expects states to engage the public on the use of specific alternative restoration approaches and their descriptions as ARPs are developed.

Regarding the application of the EFLR ARP to CWA section 319, EPA staff reviewed the technical components of the EFLR ARP earlier (upon Ecology’s request) and provided input regarding how the draft plan addressed the EPA CWA section 319 guidance regarding the nine key elements of a watershed-based plan or acceptable alternative. Upon review, EPA agrees that each of the nine elements of a watershed-based plan are sufficiently addressed. A watershed-based plan, or acceptable alternative plan, that includes all of the information in elements (a)-(i) identified in Clean Water Act section 319 grant guidelines is a predicate to beginning to implement any on-the-ground project with CWA section 319 watershed project funds.

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<sup>1</sup> Link to the EPA National Water Program Guidance: <https://www.epa.gov/sites/default/files/2017-09/documents/fy18-19-ow-npm-guidance.pdf>. See pages 24-25 for information on measure WQ-27.

We appreciate your efforts to restore the impaired waters of the State of Washington. If you have any questions about EPA's acceptance of the East Fork Lewis River ARP as a 5-alt plan, please do not hesitate to contact Cami Grandinetti, at (206) 553-8696 or [grandinetti.cami@epa.gov](mailto:grandinetti.cami@epa.gov), or Jill Nogi, at (206) 553-1841 or [nogi.jill@epa.gov](mailto:nogi.jill@epa.gov).

Sincerely,

**Grandinetti,**  
**Carmela**

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Cami Grandinetti, Manager  
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