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Working to protect and restore Western Watersheds

**Western
Watersheds
Project**

12 March 2012

Don Essig
Water Quality Division
DEQ State Office
1410 North Hilton
Boise, ID 83706

RE: Public Comments on Proposed Anti-Degradation Policy or Guidance to Protect Idaho Surface Waters from Degradation

Dear Mr. Essig:

Western Watersheds Project (“WWP”), a nonprofit conservation group, submits this letter in opposition to the Idaho Department of Environmental Quality’s (“IDEQ’s”) proposed guidance to protect Idaho surface water from degradation (“Anti-degradation Policy. We would like to thank you for this opportunity to provide review comments and pray for the strengthening the Clean Water Act (“CWA”) protections and the Idaho Surface Water Quality Standards (both numeric and narrative) for Idaho’s rivers, streams, lakes, wetlands, springs, and other surface waters.

WWP is a non-profit membership organization based in Clayton, Idaho, with offices in Boise, Hailey, and Salmon, Idaho, and in Arizona, Wyoming, Montana, and California. WWP is dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West, which includes many of Idaho’s watersheds and surface waters as well as the beneficial uses that they should support including coldwater biota, salmonid spawning, angling for consumption, and other forms of contact and non-contact recreation that are water based.

WWP, as an organization and behalf of its 1,400 members, including those in Idaho as well as those that choose to recreate in Idaho, is concerned with and is active in seeking to protect and improve the wildlife, riparian areas, water quality, fisheries, and other natural resources and ecological values of watersheds throughout the West, especially those on public lands. WWP is also active in monitoring ecological conditions on public lands throughout the West; in reviewing and commenting upon Federal agencies’ grazing and other resource decisions; and in publicizing the adverse ecological effects of grazing, including adverse effects to water quality and impairment of designated uses including, but not limited to, aquatic life support, contact and noncontact recreation, coldwater biota, salmonid spawning, and supporting threatened and endangered species.

WWP has a long history of critiquing public grazing and how it relates to nonpoint source pollution and impairment of rivers, streams, and lakes throughout the West, including the State of Idaho. Water quality concerns include coliform bacteria, water temperatures, pH, dissolved oxygen concentrations, phosphates, nitrates, and ammonia, and sediment in the forms of increased turbidity, siltation, and fine sediments in spawning, rearing, and food-production gravels.

We are also concerned about selenium, mercury, and other heavy metals released into Idaho's surface waters, whether as a point source pollutant or via non-point source pollution from mining, logging, ORVs, erosion associated with road encroachment, and aerial deposition.

We are extremely disappointed that the proposal does not conform to the Federal Clean Water Act ("CWA") by not even designating any Outstanding Natural Waters, which we all know Idaho has or used to have. Also the process seems to overlook public review and comment and apparently was designed to favor special interests like mining, logging, ORVs, and grazing and unbelievably approved already by the U.S. EPA.

Your second tier waters with strong emphasis on economic and social activities over the CWA's mandate for "fishable" and "swimmable" waters is particularly objectionable and seems tailor made for large corporations like Monsanto and Simplot that are polluting the streams of Southeast Idaho with selenium and other pollutants as a result of their phosphate mining and eliminating the existing uses of coldwater biota, salmonid spawning, and angling for consumption, with ongoing and proposed mining.

We urge the IDEQ and EPA to protect Idaho's surface waters, particularly those of outstanding natural character. We also urge the IDEQ to enforce the narrative and numeric surface water quality standards and prevent degradation of their designated and existing uses, not only for point sources like discharge pipes required NPDES permits under the CWA, but also for so-called nonpoint source pollution like that generated from defecating and urinating cattle and domestic sheep, elevated rates of erosion and sedimentation from grazing, watering, loafing, and trailing domestic livestock, and elevated summer water temperatures from devastated riparian ecosystems with loss of overhanging vegetative shade and undercut bank habitats.

Thank you for providing us this opportunity to comment and review your proposed antidegradation policy. We urge you to move forward in the protection of the surface waters of Idaho and the fish and wildlife species and recreation that is dependent on it.

Sincerely,

Larry Zuckerman, Central Idaho Director
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XC: Marvel, Executive Director, WWP, Hailey, Idaho
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