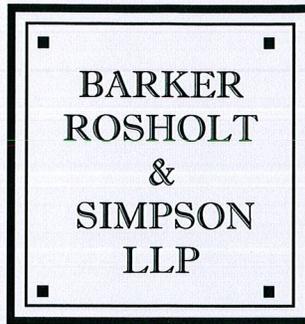


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January 13, 2011

VIA EMAIL: don.essig@deq.idaho.gov

Mr. Don Essig
Idaho Dept. of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

Re: Draft Antidegradation Guidance Document - Docket No. 58-0102-1001

Dear Mr. Essig:

Barker Rosholt & Simpson submits these comments on behalf of the Idaho Power Company. The Idaho Power Company has reviewed Chapter 6 of the proposed guidance to implement the Antidegradation Policy Procedure. We believe that some additional clarification to the section on FERC licenses is appropriate in the relicensing context. In addition, Idaho Power Company concurs with the comments submitted by IACI. Idaho Power Company's suggested edits to this chapter are provided in a red-line format below:

Current Draft Antidegradation Guidance Document Language

6.3 Federal Energy Regulatory Commission Licenses

The Federal Energy Regulatory Commission (FERC) licenses the operation of dams that generate hydroelectric power. Applicants for these licenses are required to obtain §401 water quality certification. DEQ's certification will look at conditions that are necessary to comply with Idaho water quality standards, including antidegradation provisions.

Although dams merely impound water rather than adding anything to it, they do affect water quality in the impoundment and downstream. Water quality certification and antidegradation review thus are focused not on the effect of a traditional discharge but on the changes in water quality that result from the dam and its impoundment and how operations may alter that quality.

Under this approach, DEQ may place conditions on operations or require other actions to mitigate the effect on downstream water quality. Applicants who fulfill the terms and conditions of an applicable FERC license and the terms and conditions of the corresponding §401 water quality certification will have fulfilled antidegradation requirements. DEQ will not issue a §401 certification where degradation resulting from the project is not necessary to accommodate important social or economic development.

Idaho Power Company's Recommended Language

6.3 Federal Energy Regulatory Commission Licenses

The Federal Energy Regulatory Commission (FERC) licenses the operation of dams that generate hydroelectric power. Applicants for these licenses are required to obtain §401 water quality certification. DEQ's certification will look at conditions that are necessary to comply with Idaho water quality standards, including antidegradation provisions.

Although dams merely impound water rather than adding anything to it, they ~~do~~ may affect water quality in the impoundment and downstream. Water quality certification and antidegradation review thus are focused not on the effect of a traditional discharge but on the changes in water quality that may result from the dam and its impoundment and how operations may alter that quality.

~~Under this approach, DEQ may place conditions on operations or require other actions to mitigate the effect on downstream water quality.~~ Applicants who fulfill the terms and conditions of an applicable FERC license and the terms and conditions of the corresponding §401 water quality certification will have fulfilled antidegradation requirements. DEQ will consider whether a project, that may result in significant new or increased degradation, is necessary to accommodate important social or economic development before issuing a ~~will not issue a~~ §401 certification. ~~where degradation resulting from the project is not necessary to accommodate important social or economic development.~~

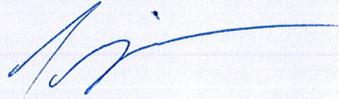
Antidegradation is concerned with any adverse change in water quality that may occur due to a new or increased activity or discharge. Therefore, when a project undergoes relicensing with FERC, the relicensing certification process will compare the calculated water quality now under the current FERC license with calculated water quality in the future under the proposed FERC license at a point downstream of the project. If there is no change in the discharge from the relicensed project there is no change in water quality and no antidegradation review will be necessary.

Mr. Don Essig
Idaho Dept. of Environmental Quality
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Thank you for the opportunity to submit these comments on the draft Antidegradation Guidance Document.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Sarah W. Higer

SWH/se

cc: Rich Hahn
Jim Tucker
Alex LaBeau
Alan Prouty
Kevin Beaton