



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
1201 NE Lloyd Blvd., Suite 1100  
Portland, Oregon 97232-1274

October 16, 2017

Paula Wilson  
Idaho Department of Environmental Quality  
1410 North Hilton Drive  
Boise, Idaho 83706

Re: Comments Regarding the Idaho Department of Environmental Quality 2017 Draft  
Triennial Review of Idaho Water Quality Standards.

Dear Ms. Wilson:

On September 14, 2017, NOAA's National Marine Fisheries Service (NMFS) received notice of the opportunity to comment on the Idaho Department of Environmental Quality (IDEQ) 2017 Draft Triennial Review of Idaho Water Quality Standards. As stated in the draft document, the purpose of the triennial review is to identify priorities for water quality standards rulemaking and sub-program development for the next 3 or more years.

On May 7, 2014, NMFS issued a biological opinion for the U.S. Environmental Protection Agency's (EPA) approval of the State of Idaho's water quality criteria for toxic substances (hereinafter referred to as "Opinion") (NMFS Tracking Number 2000-1484). As described in that Opinion, NMFS concluded the approval of some criteria would jeopardize anadromous fish species listed under the Endangered Species Act and adversely modify their designated critical habitats. NMFS identified reasonable and prudent alternatives (RPAs) that would avoid jeopardizing the species and adversely modifying their designated critical habitat. In addition, NMFS identified specific timelines for implementation of the RPAs. Table 1 summarizes these criteria, their respective RPA, and identified timelines for RPA implementation.

During the 2014 triennial review process, the IDEQ indicated the Opinion helped inform their list of water quality standards priorities for 2014-2017. We appreciate the IDEQ's latest efforts in implementing the RPAs for copper and selenium. However, the draft document does not indicate whether the IDEQ considered the remaining RPAs during the 2017 triennial review process.

The timeline for implementing the hardness floor RPA has passed; NMFS would like the hardness floor be identified as a high priority issue. Four years remain to implement the RPAs for arsenic and mercury. Considering the lengthy rulemaking process and the need to develop supporting scientific and policy information for the negotiated rulemaking process and the rule

submittal package, the IDEQ should include development of chronic mercury and arsenic aquatic life criteria as medium priorities.

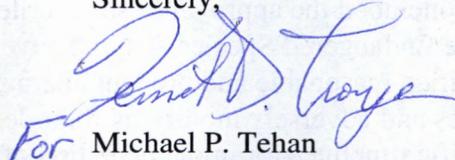
**Table 1. Summary of the reasonable and prudent alternatives for each element of Idaho water quality standards that were found to jeopardize or adversely modify anadromous species and critical habitat listed/designated under the endangered species act.**

Water Quality Standard Element	RPA	RPA Implementation Timeline
Hardness Floor	Remove the low hardness floor	May 7, 2017
Arsenic	Adopt a new chronic criterion	May 7, 2021
Copper <sup>1</sup>	Adopt new acute and chronic criteria at least as stringent as the 2007 304(a) national recommended aquatic life criteria	May 7, 2017
Mercury	Adopt a new chronic criterion	May 7, 2021
Cyanide	Calculate effluent limits using mixing zone limitations described in the copper RPA	N/A
Selenium <sup>1</sup>	Adopt a new chronic criterion	May 7, 2018

<sup>1</sup> The Idaho DEQ is in the process of implementing these RPAs and proposed new rules for copper and selenium aquatic life criteria in August 2017.

We appreciate your consideration of our comments. If you have any questions or would like to discuss the contents of this letter further, please contact Johnna Sandow, Fish Biologist, in the Southern Snake Branch Office, at (208) 378-5737.

Sincerely,

  
For Michael P. Tehan  
Assistant Regional Administrator

cc: M. Lidgard – EPA  
L. Macchio – EPA  
R. Holder – U.S. FWS  
S. Fisher – U.S. FWS