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March 12, 2012

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

Re: Idaho Power Company's Public Comments on IDEQ's *Draft Guidance to Protect Surface Water Quality from Degradation*

Dear Mr. Essig:

Barker Rosholt & Simpson submits the following comments on the Idaho Department of Environmental Quality's (IDEQ) *Draft Guidance to Protect Surface Water Quality from Degradation* (Draft Guidance) on behalf of the Idaho Power Company (IPC).

On January 13, 2011, IPC submitted comments on the *Draft Guidance*'s FERC License section. In that public comment, IPC requested that IDEQ include the following paragraph to explain antidegradation in the FERC licensing context:

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.

IPC's Jan. 2012 Public Comments, pg. 2. IDEQ has included most of the proposed paragraph. However, in the current *Draft Guidance*, IDEQ has removed the phrase "at a point downstream of the project" so that the current language states "When a project undergoes relicensing with FERC, the relicensing certification process will compare the calculated water

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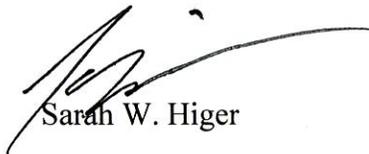
quality under the current FERC license with calculated water quality in the future under the proposed FERC license.” *Draft Guidance*, at 62.

IPC requests that IDEQ include the language “at a point downstream of the project “or “at or below the project” in order to clarify the point of calculation. This request is consistent with the *Draft Guidance* wherein IDEQ explains “Antidegradation review is forward-looking, and to fairly judge both new and existing discharges we look at the change in downstream water quality before and after a change in permitted operation.” *Draft Guidance*, at 27.

Thank you for the opportunity to submit public comments on the *Draft Guidance to Protect Surface Water Quality from Degradation*.

Very truly yours,

BARKER ROSHOLT & SIMPSON LLP



Sarah W. Higer

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