



United States
Department of
Agriculture

Forest
Service

Region 1
Northern Region
PO Box 7669
Missoula, MT 59807

Region 4
Intermountain Region
324 25th Street
Ogden, UT 84401

File Code: 2530-3

Date: April 28, 2010

Ms. Paula Wilson
Hearing Coordinator
Idaho DEQ State Office
1410 N Hilton
Boise, ID 83706

Dear Ms. Wilson

Please find enclosed our comments on the draft, Idaho Antidegradation Rule (Draft No. 1, Docket No. 58-0102-1001). The Antidegradation Implementation Procedures were reviewed by our respective Regional Offices. Region 1 covers Northern Idaho which includes the Idaho Panhandle, Nez Perce, and Clearwater National Forests. Region 4 covers Southern Idaho which includes the Payette, Boise, Sawtooth, Salmon-Challis, and Caribou-Targhee National Forests.

We plan to request the specific national forest feedback on a later version of the Antidegradation Implementation Procedures.

Please contact either Bruce Sims, Region 1 Hydrologist, at (406) 329-3447 (bsims@fs.fed.us) or Rick Hopson, Region 4 Hydrologist, at (801) 625-5755 (rhopson@fs.fed.us) if you have any questions on our comments.

Sincerely,

/s/ Clinton McCarthy (for)
WILLIAM P. LEVERE
Director, Natural Resources

/s/ Bruce L. Fox
BRUCE L. FOX
Director, Renewable Resources Management

ENCLOSURE

cc: Bruce D Sims
Rick G Hopson



USDA Forest Service (Regions 1 and 4) Comments on:

Idaho Department of Environmental Quality's Preliminary Draft Negotiated Rule (Draft No. 1), Docket No. 58-0102-1001, Antidegradation Implementation Procedures, Dated April 7, 2010

April 26, 2010

General Comments:

1. The proposed rule does not clearly state under what circumstances nonpoint sources would be affected by this proposed rule. Please clarify this in the next draft.
2. According to Proposed New Definitions section, a permit or license is inclusive of 401 certifications, 402 NPDES and stormwater, 404 dredge and fill, and FERC licenses. If there are any exemptions, such as for silvicultural or agricultural activities, please describe.
3. The proposed workload required from the Tier II Analysis is a substantial increase in the permitting requirements. What will be the response timeframe from IDEQ? What happens if this timeframe is not met?

Section 051 Comment

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| 02 | What is the definition of a restoration project? Would it include activities such as a culvert replacement. What is the process for determining restoration activities that are necessary for securing long-term water quality improvements? |
| 04(d)(iv) | Can reductions in nonpoint source pollution be used as an offset? Are restoration projects included as an offset? |
| 04(e) | Tier I Review – how will IDEQ address situations where water quality is unknown? |
| 04(f)(iii) | The Forest Service assumes many of our projects will fall under the “Insignificant Discharge” criteria. It is requested that this section be clarified to better describe where the “bar” resides when IDEQ determines a discharge is “insignificant”. |
| 04(f)(iv) | How many alternatives are required? It seems reasonable that an alternative analysis would encourage the applicant to describe proposed mitigations such that the preferred alternative would have controls to minimize degradation. Unless the preferred alternative is not the least degrading, is it necessary to analyze additional alternatives? |