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June 26, 2017

Ms. Paula Wilson  
Idaho Department of Environmental Quality

RE: Salmonid Spawning Temperature and Map Rule

Dear Ms. Wilson:

Thank you for the opportunity to comment on the Water Quality Standards Triennial Review. Potlatch has significant concerns with the Salmonid Spawning Use Designation proposal. While we support the simplified temperature standard, we do not support adding a map to the rules. If these two changes must happen together, we strongly encourage DEQ to stay with the existing temperature standard.

Potlatch Corporation owns approximately 600,000 acres of forestland in Idaho; salmonid spawning occurs throughout our ownership. Our primary business is the sale of harvested timber to both internal and external sawmill customers within the state of Idaho. Logging operations on our lands are conducted to meet both the spirit and letter of the Idaho Forest Practices Act and Rules as administered by the Idaho Department of Lands (IDL). In addition, we subscribe to the voluntary Sustainable Forestry Initiative (SFI) forest management program. As you well know, compliance with forest practice rules in Idaho is extremely high, generally greater than 95%. This compliance rate is documented and verified by DEQ every four years, annually by IDL inspections, and periodically by third-party auditors for SFI. Clearly, we are committed to maintaining and enhancing non-timber values in the course of growing and harvesting our timber.

While we support the proposal to simplify the temperature standard for Salmonid Spawning, we do not support the incorporation of a Salmonid Spawning stream map into the Idaho water quality rules. There are several issues with incorporating a map into the water quality rules:

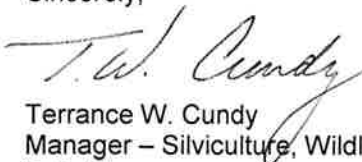
1. We are unaware of any other beneficial uses that require a map be placed in the rules. This seems like a new and unfounded requirement on the part of EPA. With the current uncertainty surrounding the Waters of the U.S. (WOTUS) rules, putting a map into rules presuming EPA authority is inappropriate.
2. Maps are always inaccurate. We have reviewed several areas on the map where we know the distribution of fish from actual field observations. There are numerous errors, sometimes involving thousands of feet of streams. While we use maps similar to that proposed by DEQ for screening and large scale planning, for site-specific work we very often check for fish in the field. Putting a map in the rules puts us in the unacceptable situation of managing to the rules (map) or the on-the-ground reality. This creates a totally un-necessary potential for conflict and litigation, while doing absolutely nothing to protect Salmonid Spawning beneficial use.

3. Maps are always inaccurate. We constantly collect information on the extent of fish use on our property, as do many other large landowners and land managers in the state. Does DEQ really want to put a map into rules that will need to go through rule-making (changes) every single legislative session into the foreseeable future? We simply do not see the value of this, nor the necessity. As an analogy in the current Idaho water quality program, we point to the Water Body Assessment Guidance. This extremely important document in the program is only referenced in the rules. We argue that DEQ has correctly recognized that data and data analyses change over time and this document should truly be a living document; while document changes must be disciplined, the inflexible, time-binding requirements of rule-making are too much. Similarly, we believe a map referenced in the rules is a good idea to help citizens get a general understanding of what fish might be present in their vicinity; but a map as a rule is a very bad idea.
4. Maps are always inaccurate. Based on our understanding of current rules and processes, any future change that removes or reduces the extent of Salmonid Spawning on the map would require a Use Attainability Analysis (UAA). Our understanding is that these analyses are both expensive and time consuming; and DEQ's own web site states "The entire process – developing the UAA and undergoing rulemaking – could take at least two years and possibly more to craft a structured scientific assessment to change a designated use". We would expect there to be ten to a hundred of these UAAs triggered every year. The demand on public and private resources to complete these analyses would be overwhelming and serve no good purpose for the citizens of Idaho.
5. Stream maps in support of Idaho programs should be coordinated across agencies. DEQ's sister agency IDL is currently working on a map layer for fish use. We suspect that IFG, IDWR and the Office of Species Conservation would have use for, or at least interest in, a map of fish use. Any mapping effort should be coordinated across these agencies to ensure the map product meets all the needs and does not set up potential conflicts. Finally, as stated above, since any map is inaccurate, the agencies should have an agreed upon and well defined process for updating the map with new data. That process should not include rule-making.

In summary, we support the proposed temperature rule change for Salmonid Spawning. We do not support the inclusion of a map in the water quality rules. If the map simply must accompany the change in temperature standard, then we support maintaining the current rule. Finally, we would support an alternative rule package that includes the temperature change as proposed and includes reference to the Salmonid Spawning map; the rule should be perfectly clear that the map is for guidance only and is subject to change as new information becomes available.

We appreciate the opportunity to submit these comments and trust you will find them useful.

Sincerely,



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