

P: (509) 835-5211
F: (509) 835-3867
COMMUNITY BUILDING
35 WEST MAIN, STE. 300
SPOKANE, WA 99201
WWW.CFORJUSTICE.ORG



Sierra Club
1000 N. 4th Street
Spokane, WA 99207
509-325-7100

May 22, 2008

Robert Steed
Surface Water Ecologist
Water Quality Division
DEQ Coeur d'Alene Regional Office
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814

RE: Comments on Draft §401 Certification for Post Falls Dam

Dear Mr. Steed:

These comments are submitted on behalf of Sierra Club and the Center for Environmental Law and Policy on the Draft §401 Certification for Post Falls Dam.

Sierra Club is a non-profit organization with members across the Nation dedicated to protecting and enhancing our valuable natural resources. Locally, Sierra Club's Spokane River-Aquifer Project has spent many years focused on restoration and protection of our regional water resources, including active participation in the Avista dam relicensing processes.

The Center for Environmental Law & Policy (CELP) is a non-profit membership organization that works to defend and develop ecologically and socially responsible water laws and policies. CELP speaks for the overall public interest in the public's water; its mission is to leave a legacy of clean, flowing water for rivers and aquifers of the Pacific Northwest.

The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The use of the word "restore" indicates that Congress intended the law to improve our waters and not merely maintain the status quo. Legislative history suggests that Congress intended to push for restoration, not only of the waters, but the entire aquatic environment. According to a House Report, the term "biological integrity", as used in section 101 of the Act, is "a condition in which the natural structure and function of ecosystems is maintained." H.R. Rep. 92-911, 92d Cong., 2d Sess. 76 (1972) at 76. The House Report further defines "natural" as that

“condition in existence before the activities of man invoked perturbances which prevented the system from returning to its original state of equilibrium.” *Id.* While this legislative history applies to adoption of state water quality criteria, it indicates Congress’ intent to strive for ecosystem integrity that reflects the natural structure and functions of a waterbody.

The §401 Certification gives IDEQ critical regulatory authority to require Avista to modify its operations or otherwise mitigate as necessary to protect Lake Coeur d’Alene and the Spokane River. Avista’s dams have caused significant impacts to shorelines, fish and wildlife and their habitat, water quality, recreational opportunities, land use and aesthetics.

Review of the Draft §401 Certification has revealed a number of questions, concerns, and additions that are needed to adequately address the many significant impacts associated with the existence and operation of Post Falls Dam. These comments are detailed below:

Cost Caps: The Draft §401 contains a number of mitigation measures that are subject to cost caps. These caps set an upper limit on the amount Avista will pay on its mitigation measures. Cost caps are a poor management tool because they potentially limit whether a project is actually completed or can result in taxpayers paying for Avista’s mitigation measures. Moreover, as discussed below, these caps are contrary to FERC policy. The Final §401 Certification should eliminate all cost caps.

Page 2, Section I(A): Minimum Discharge Flows: The Draft §401 contains an inadequate minimum flows from Post Falls dam to protect a critical beneficial use of the Spokane River – redband trout habitat. The recommended flow consists of a 600 cfs minimum flow dropping to 500 cfs when levels in Lake Coeur d’Alene drop more than ¼ foot. Unfortunately, this recommendation ignores the needs of the Spokane River fishery. Best available science supports a higher minimum flow from Post Falls dam to achieve a minimum flow of 500 cfs at Barker Road. Moreover, available data is insufficient to conclude that higher flow actually will result in adverse fisheries impacts associated with temperature and that additional monitoring and adaptive management is warranted.

First, it is critical to understand that the flow number presented in Avista’s license application and recommended in the Draft §401, primarily the secondary flow of 500 cfs triggered when lake levels are low, was the result of an effort to balance minimum flows with protecting lake levels in Lake Coeur d’Alene and not designed to address temperature.¹

¹ Internal emails between Idaho Fish and Game officials and Brett Bowers (representative of shoreline owners) confirm that the 600/500 cfs flow proposal was based largely on concern regarding lake level protection and not temperature. This is further reflected in the November 5, 2004 document where the 500/600 cfs approach was initially proposed. These documents are included as Attachment A.

As described by the representative from Idaho Fish and Game (Ned Horner) during a Fisheries Workgroup Meeting:

[O]ne of the goals associated with this tiered approach would be to identify drought years as soon as possible and to drop down to the 500 cfs discharge to balance the use of the available water between Coeur d'Alene Lake and the Spokane River.²

However, there was no data presented to the Workgroups of what the actual impacts to upstream recreation would actually be. This lack of data was acknowledged during the workgroup meeting:

Brian Farmer [Department of Ecology representative] asked if there was any specific data showing why anything below a three-inch drop in Coeur d'Alene Lake levels is so significant. Bret explained that most of the concern about more than a three-inch drop has come from property owners along the Spokane River above Post Falls HED, as it would significantly impact their use of their docks. Brian said he had only heard anecdotal information about the implications of a three-inch drop and is comparing that to all the data and study results in front of the group regarding fisheries issues. Bret said he could work on providing additional data if Brian needs it.

Fisheries Work Group Final Meeting Summary (October 7, 2004).

Because of the lower flow proposal's lack of supporting information and contradiction with Avista's fish habitat study, no consensus was reached within the Avista-led ALP process on a minimum flow from Post Falls dam.³

It is beyond dispute that fish need water, in particular, healthy flows of clean water to support all life stages. Resident native salmonids in the Spokane River maintain a self-sustaining population between the downtown Spokane falls and the Post Falls dam. *See* Middle Spokane River Watershed Plan at 62.⁴ Instream flows to protect spawning, incubation, and rearing habitat are necessary to perpetuate the population. *Id.* All life stages are essential, but flow is most likely to limit these populations. Because of the need to protect more than one life stage, a variable flow regime that reflects the seasonal

² Fisheries Work Group Final Meeting Summary (October 7, 2004), available at <http://198.181.17.155/hydrodocs/2004-0632.pdf>.

³ *See* Fisheries Work Group Final Meeting Summaries at: <http://198.181.17.155/hydrodocs/2005-0310.pdf> and <http://198.181.17.155/hydrodocs/2005-0266.pdf>. *See also* Plenary Group Final Meeting Summary (April 25, 2005), available <http://198.181.17.155/hydrodocs/2005-0291.pdf> ("PM&E does not address the minimum discharge flow for Post Falls HED since the FWG was not able to reach agreement on it.")

⁴ A copy of this plan is available at <http://www.spokanecounty.org/wqmp/projects/PDF/>. This plan will hereinafter be referred to as the "Watershed Plan."

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variability of water in the region is a desired feature of an instream flow rule. *Id.* The operation of Post Falls dam controls flows in the river. *Id.*

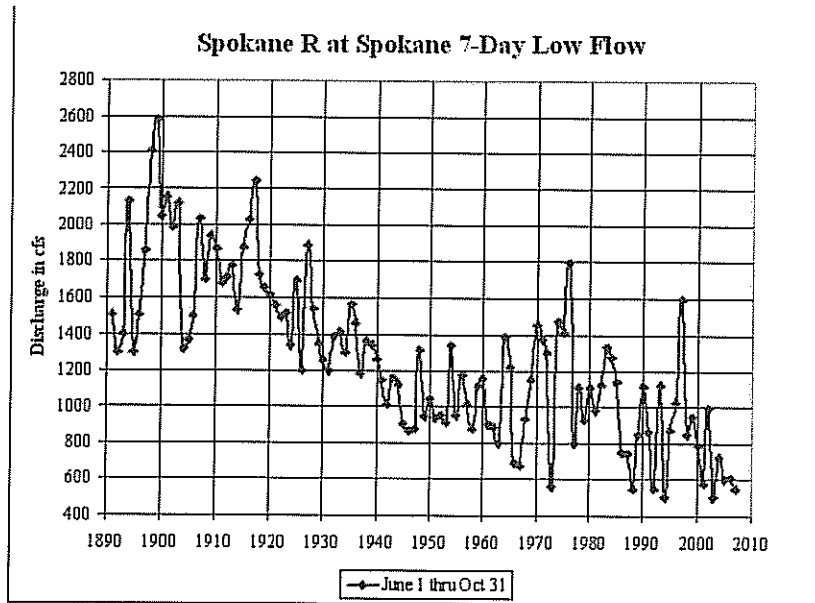
There is more than ample evidence to suggest that flows of at least 500 cfs at Barker Road are necessary to protect all life stages of trout in the Upper Spokane River. In 1999, the Washington Department of Fish and Wildlife (WDFW) recommended a much higher minimum instream flow of 2,000 cfs for the Spokane River at the Spokane gage stating:

The river is highly regulated, with flows released from Idaho and reregulated in Washington. Some riverine sections of the river exist and support rainbow trout and other fish, but no IFIM nor toe-width data are available for the main stem Spokane River in WRIA 54. WDFW will recommend a flow based on the 'natural' baseflow condition that existed prior to the construction of the Post Falls Dam. This will be derived by using the baseflow condition as depicted on the 50% exceedance flow for pre-dam water years (1891 through 1906) as measured at the USGS's gaging station at Spokane. WDFW recommends that the water rights be subject to the following instream flows or natural flows, whichever is less: 2000 cubic feet per second (cfs) as measured at U.S.G.S. gage 12422500 Spokane River at Spokane.

WDFW recommends that instream flow studies be conducted to address instream flow needs in riverine portions of the Spokane River before additional water allocations are made beyond the current batch. Studies conducted by Washington Water Power (now Avista) have indicated that 6,000 to 10,000 cfs is needed in the upper reach (WRIA 57) of the Spokane River during spring (through July) for successful rainbow trout spawning and incubation.

Letter from WDFW to Washington Department of Ecology (October 18, 1999).

The Watershed Plan provided a detailed analysis of the current water quantity conditions in the Spokane River, as well as providing recommendation for flows protective of resources in the river. The Watershed Plan identified the trend of decreased flows in the Spokane River, as illustrated by the figure below, caused in part by operations of the Post Falls dam and the corresponding need to address the decreasing flows to protect Spokane River fisheries.



The Watershed Plan explained the need for minimum flows for fish habitat:

Flow in the river is needed for fry (newly emerged fish that occupy shallow edge habitat), young-of-the-year juveniles that behave more like older juveniles (juvenile I), juvenile IIs (at least 1 year old), and adults who coexist and contribute to production and recreational value. Older fish (juvenile IIs and adults) require the most territory and have already survived through critical life history stages. Providing habitat for older juvenile and adult trout will also maintain considerable habitat for fry and young-of-the-year. At the same time, emphasis on the older life stages will facilitate segregation of the different life stages, thereby minimizing habitat overlap and potential cannibalism. Barker Road provides the highest WUA per 1000 ft of stream for both juvenile 2 and adult rainbow trout.

As illustrated in Table 4.II.A from the Watershed Plan (below), the Hardin-Davis study conducted for the watershed planning process in cooperation with Avista concluded that a flow of 500 cfs targeted at the critical Barker Road reach would maximize habitat for fisheries.

Flow at Barker (cfs)	Percent of maximum rearing habitat for juvenile \geq rainbow trout	Percent of maximum rearing habitat for adult rainbow trout
200	91%	37.3%
250	98%	48.9%
300	100%	59.4%
350	99%	68.7%
400	97%	77.2%
450	94%	84.6%
500	92%	90.0%
550	90%	94.3%
600	87%	96.9%
650	84%	98.8%
700	81%	100.0%
750	78%	99.5%
800	75%	99.0%
850	72%	98.5%
900	68%	97.7%
950	65%	97.0%

As a result, the Watershed Plan ultimately recommended, "Avista's 2007 operating license for the Spokane River Hydroelectric Development should require a minimum discharge to provide habitat for juvenile and adult rainbow trout that would be protected through a minimum instream flow for the Spokane River at the Barker Road transect (USGS gage 12420500) of 500 cfs."

On June 30, 2004, the Washington Department of Fish and Wildlife, Washington Department of Ecology, Spokane County, and Idaho Department of Fish and Game released a report entitled, "Spokane River Instream Flow Recommendation." In that report, the four agencies explained that "Barker Road is the most flow-sensitive for adult fish because as flows begin to drop below 600 cfs, the WUA begins to rapidly decline." Accordingly, this report recognized that the ideal minimum flow would be 600 cfs at Barker Road or approximately 770 cfs from Post Falls dam; however, recognizing competing interests for the water, the agencies recommended a minimum flow of 700 cfs from Post Falls dam, which would roughly equate to 500 cfs at Barker Road.

Unfortunately, the need to provide sufficient fisheries flows was distracted by efforts to protect levels of Lake Coeur d'Alene without sufficient data to quantify the extent of those impacts. Relying upon a few days of limited monitoring (about 50 hours worth), Idaho Fish and Game with a coalition of Idaho interests proposed the lower flows of 600 cfs with a trigger of 500 cfs when lake levels fall $\frac{1}{4}$ foot. The purported rationale for this approach was to address impacts to fisheries from high water temperatures.

An analysis of the data and the proposal indicates that existing data is insufficient to contradict the recommended higher flows for several reasons. First, the model does not accurately model the impacts of groundwater in the Spokane River. Dr. Massmann, an

expert in the utilization of CE-QUAL-W2 with experience in its use in the Spokane River, concluded:

It is important to note that the CE-QUAL-W2 does not simulate groundwater flow or heat transport in the aquifer or in the sediments along the river channel – it only simulates flow and transport within the stream channel. Conclusions related to the relationship between releases at Post Falls and groundwater inflows and groundwater temperatures along the Spokane River cannot be developed using results from the CE-QUAL-W2 model. Increasing releases from the Post Falls Project will affect water levels in the aquifer and will change the nature of groundwater/surface water interactions along the Spokane River. These changes were not studied or simulated as part of the Draft EIS.

Dr. Joel Massmann, Technical Memorandum: Review of Draft Environmental Impact Statement for Hydropower Relicensing, Spokane River and Post Falls Hydroelectric Projects (March 4, 2007) at 2 (emphasis in original) (Massmann Review) (included as Attachment B). Second, the amount of field data collected was simply insufficient. Again, Dr. Massmann's review concluded:

Although the data described in this field test show that short-term increases in releases cause higher temperatures in some parts of the river, these data should not be used to dismiss other release scenarios as a way to improve or optimize temperature conditions in the Spokane River. Additional data and more detailed groundwater modeling activities are required to evaluate the relationship between releases at Post Falls and temperatures in the Spokane River. There are likely release strategies and adaptive management options that would result in improved temperatures conditions in the Spokane River. These strategies and options cannot be evaluated with the data and models that are described in the Draft EIS.

Massmann Review at 6 (emphasis in original).⁵

A second review conducted by a hydrologist, Jonathon Rhodes, an expert in temperature impacts to salmonids found similar conclusions. Mr. Rhodes concludes:

There are several reasons why the available information related to summer water releases from the PFHP [Post Falls Hydroelectric Project] and Spokane River water temperatures are inadequate to support the proposed

⁵ Dr. Massmann previously conducted a review of Avista's use of the CE-QUAL-W2 model that was provided to Avista (included as Attachment C). Among other conclusions, Dr. Massmann found, "The uncertainties in model output are largely unknown, especially for predictions related to the 'natural' or unimpounded conditions. Evaluations of long-term impacts of impoundments on groundwater discharge to the Spokane River are notably absent and uncertainties in model predictions related to pH, nutrient concentrations, and algae are particularly large."

SRMF [Spokane River Minimum Flow]. These include that: 1) water temperature modeling was only done for a worst case situation; 2) the results of the water temperature and flow monitoring in August 2004 are likely to be unrepresentative of the most commonly occurring conditions affecting water temperatures; and, 3) the spatial heterogeneity in Spokane River water temperatures were apparently not investigated during the August 2004 water temperature monitoring.

Jonathan J. Rhodes, Review of Proposed Minimum Flows in the Spokane River from the Post Falls Hydroelectric Project in the Draft Environmental Impact Statement for Hydropower Relicensing Spokane River and Post Falls Hydroelectric Projects (DEIS) (February 2007) at 1 (Rhodes Review)(included as Attachment D). Rhodes found that the limited duration of the field monitoring created conditions that are unlikely to demonstrate the actual benefits of a higher minimum flow:

Although this effect of elevated streamflows on groundwater-streamflow-water temperature interactions is fairly obvious from available information, it was entirely ignored in the DEIS and the documents that it cites regarding the impacts of August 2004 flow releases on monitored water temperatures in the Spokane River. These effects on groundwater-streamflow interactions are likely not trivial in terms of their likely effects on water temperatures in the reaches of the Spokane River that receive groundwater inflows because they would tend to reduce water temperatures in those reaches, e.g. the reaches Sullivan Road and Planters Ferry Park. Therefore, the apparent reductions in water temperatures that occurred in those two reaches on August 12 and 13, 2004 are likely not solely due to decreases in PFHP flow releases, as assumed in the DEIS and other supporting documents, but also due to elevated groundwater inflows caused by releasing 700 cfs from the PFHP from August 10 through August 11, 2004. The failure to consider these effects significantly undermines the adequacy of the analysis of flow impacts on Spokane River water temperatures.

The foregoing is also important because it indicates that pulsing releases from the PHFP to 700 cfs for a few days as done in August 2004 does not provide an indication of conditions that are likely to occur if flows are consistently maintained at 700 cfs or greater. This is because the available information amply indicates that due to the interactions among streamflows, groundwater, and water temperature, maintaining higher streamflows will have a different magnitude of effects on streamflows, groundwater, and water temperatures than pulsed flows. That is, consistently maintained flows of 700 cfs or greater are likely to increase downstream groundwater augmentation of streamflows to a greater degree than flows that are pulsed at 700 cfs for a couple of days. Therefore, the water temperature data collected during August 2004 does not provide an

adequate basis for assessing the likely impacts of *maintaining* higher flow releases, such as those of 700 or 770 cfs, on downstream water temperatures, especially during more common and frequent climatic conditions that affect water temperatures.

Rhodes Review at 5-6 (emphasis in original). Rhodes further notes that the ¼ foot drop in lake level that would trigger the lower 500 cfs flow appears to be completely unrelated to temperature concerns. Rhodes Review at 6-7. Rhodes concludes:

Under this proposal, it is plain the SRMF is constrained, at times, by lake levels. Notably, there is nothing in any of the information in the DEIS, or the supporting documents that it cites, indicating that lake levels influence water temperatures in the Spokane River. There is also no information that reasonably supports that lake levels correlate with water temperature concerns or that lake levels are a proxy for water temperature effects in the Spokane River. Therefore, the SRMF fails to develop relevant standards by which to reasonably predicate the amount of minimum flows that should be provided to reasonably maintain instream flows, resulting temperatures, and resulting habitat area in the Spokane River.

If minimum flows are to be predicated on concerns related to what is needed to reasonably maintain instream flows, resulting temperatures, and resulting habitat area in the Spokane River, than they should be based on factors that are unquestionably relevant to instream flows, resulting temperatures, and resulting habitat area in the Spokane River. Such factors include water temperatures, air temperatures, and desired minimum habitat area; they do not include lake levels. There is also no information that soundly indicates that maintaining lake levels and constraining flows on the basis of lake levels as proposed have any ecological benefits for the Spokane River. For these combined reasons, predicating the proposed SRMF on the proposed lake levels is not adequately supported by available information.

Id. (emphasis added). In other words, if temperature is actually the concern, IDEQ should develop a scientifically defensible trigger based upon temperature and not the arbitrary lake level trigger. Rhodes also concludes that additional monitoring is warranted to assess whether temperature is actually a concern:

There is plainly a need to collect more information to fill some of the major existing gaps regarding relationships among PFHP flows, groundwater dynamics, climatic conditions, and resulting downstream water temperatures. For instance, as discussed, it appears that there has been no adequate field investigation of how flow releases of greater than 500 cfs at the PFHP affect water temperatures in the Spokane River under the most common and frequently occurring conditions, e.g. when air

temperatures and streamflows are near normal. Similarly, it appears that there has been no field investigation of the effects on Spokane River water temperatures of releasing flows of at least 700 cfs from the PFHP for several weeks when air temperatures and streamflow conditions are near normal. Therefore, additional monitoring and adaptive management efforts are needed.

A key need is to monitor the effects on downstream water temperatures and groundwater dynamics during periods when flows are maintained at greater than or equal to 700 cfs when air temperatures and flow conditions are near normal. As part of such efforts, the spatial heterogeneity of water temperatures in reaches should also be investigated, as well as use of various areas by trout. This is warranted because the IFIM investigations plainly indicate that maintaining flows in the range of 700-770 cfs provides the greatest amount of usable habitat for adult trout in the Barker Road reach (NHC and HDI, 2004; Beecher et al., 2004). Spawning adult trout are essential to self-sustaining trout populations (Beecher et al., 2004). This situation makes it critical to reasonably assess the interactions among flows, water temperatures, and available rearing area in the Spokane River in order to reasonably determine the tradeoffs involved with different minimum flows under the most common and frequent conditions that affect water temperatures.

It is essential that the effects of flow releases on water temperatures be done when climatic conditions are near normal. This is likely to occur over the course of five years. However, if it does not occur during a five year period, then the period for additional monitoring for use in adaptive management should be extended as necessary to capture near normal flow and climate conditions.

The results of the IFIM investigations for usable rearing area as a function of flow in various reaches are also worth confirming via monitoring. Simply enough, any model has limited accuracy and validation is essential.

Other potentially useful analyses include: a) examining the potential effects of maintaining minimum flows 700-770 cfs on CDAL levels, which does not appear to have been done to any adequate degree; b) investigating the need to develop a maximum flow release level that should not be exceeded during some extreme climatic conditions in order to avoid reducing rearing area for trout and adverse impacts on water temperatures; c) ascertaining whether there is any potential ecological reason to premise minimum flow levels on CDAL levels.

Given the ample science supporting the need for higher flows, Sierra Club and CELP request that the Final §401 Certification require Avista to provide a minimum instream flow to provide optimal habitat conditions for resident redband trout in the Spokane River downstream of the Post Falls Dam. Specifically, this measure should require Avista to release sufficient water from Post Falls Dam to achieve a flow of 500 cfs at Barker Road.

Page 2, Section I(A)(4): The Draft §401 provides, “Flows within 25 cfs of the required flows shall be considered in compliance with this condition.” This provision would allow Avista to provide 475-575 cfs. There is no basis for a 25 cfs deviation from flows (with the exception of perhaps a very short term deviation while flows are adjusted). This is particularly the case given the presence of a real-time flow gauge just downstream of Post Falls dam. This would allow nearly immediate and accurate adjustment of flows to meet minimum flow objectives. At best, the deviation from required flows should be for a very short and defined timeframe (i.e., one hour). The Final §401 should eliminate or strictly define the timeframe for a deviation of 25 cfs.

Page 2-4, Sections I(B)&(C): Sierra Club and CELP strongly support the Draft §401’s proposal to monitor the impacts of minimum discharges for 5 years and allow for adjustment of the flows to protect fish. However, because a majority of the impacts (positive or negative) of Post Falls Dam flows are felt in Washington, the Plan should include specific coordination and include the Washington Departments of Fish and Wildlife and Ecology in the decision making process, as well as interested public. Currently, the two states are working on an agreement that would give Washington input into the process. However, the draft agreement leaves the public out of the picture. The Final §401 should explicitly include Washington agencies and the public in the monitoring plan and review of data regarding minimum flows. Moreover, suggested edits to the agreement with Washington are included with these comments.

Page 8, Section VI: The Draft §401 calls for a ramping rate for Post Falls dam of 4 inches per hour. Flow fluctuations caused by ramping are detrimental to aquatic, terrestrial, recreational, and aesthetic resources. Fluctuations can result in direct mortality, stranding, disruption of spawning activity, displacement, temporary loss of habitat, reduced production, and alteration of the substrate compromising spawning conditions for early life stages of fish and macroinvertebrates, and other wildlife such as riparian ground nesting birds. Such impacts have been well documented in scientific literature.⁶

The Washington Department of Ecology and WDFW recognized the adverse impacts of ramping to river resources in Washington stating:

⁶ See generally Hunter, Hydropower Flow Fluctuations and Salmonids: A Review of the Biological Effects, Mechanical Causes, and Options for Mitigation (1992).

Ramping rate is a concern for fish protection because rapid decrease in flow can strand fish on gravel bars, as well as dewatering fish eggs. Drops in flow, even as little as 1 inch of water surface elevation per hour, can impact fish populations. Other effects, including depletion of aquatic invertebrates on which fish feed, and behavioral responses to changes in flow, may also reduce fish production but are not as well understood.⁷

These agencies adopted proposed ramping rates for hydropower projects as follows:

Season	Daylight Rates*	Night Rates
February 16 to June 15 (salmon fry)	No Ramping	2 inches/hour
June 16 to October 31 (steelhead and trout fry)	1 inch/hour	1 inch/hour
November 1 to February 15	2 inches/hour	2 inches/hour
*Daylight is defined as one hour before sunrise to one hour after sunset		

In order to be protective of the Spokane River's native redband trout population, the Final §401 should include a 2 inch/hour ramping rate.

Post Falls Settlement Agreement: The Settlement Agreement appears to be contrary to FERC's *Policy Statement on Hydropower Licensing Settlements*, Docket No. PL06-5-000 (September 21, 2006)(Policy Statement).⁸ The lack of scientific data supporting the Post Falls dam flow is contrary to the requirement that settlement provisions be supported by "substantial evidence." The policy statement states, "[I]t would not be sufficient to ask the Commission to set a particular minimum instream flow solely because the parties have compromised on that number. Rather, the parties would need to provide a scientific explanation, supported by facts in the record, of how that level of flows meets the needs of affected resources and how it is consistent with the comprehensive development of the waterway." Policy Statement at 6. This has not occurred. Similarly, the cost caps contained in the Settlement Agreement is contrary to the provisions of the policy statement prohibiting costs caps: "The Commission expects the required measure to be performed by the licensee, even if the cost exceeds the agreed-upon cap." Policy Statement at 10. The Settlement Agreement should be revised in light of the guidance provided by FERC and in light of the comments provided above.

Conclusion: As illustrated above, the Draft §401 Certification has a number deficiencies and areas in need of clarification that must be addressed prior to issuance of the Final §401 Certification. Sierra Club and CELP believe that §401 conditions must be developed to restore balanced operation of Post Falls Dam to benefit all aspects of the public interest and comply with the Clean Water Act. Sierra Club and CELP request that

⁷ See Instream Flow Study Guidelines (April 5, 2005) at 6, available at <http://www.ecy.wa.gov/pubs/0411007.pdf>.

⁸ Available at <http://www.ferc.gov/whats-new/comm-meet/092106/H-1.pdf>.

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IDEQ review the comments provided above and revise the Certification to ensure that appropriate conditions are included for Post Falls Dam.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Eichstaedt". The signature is stylized and cursive, with a large, sweeping flourish at the end.

Rick Eichstaedt
Attorney for Sierra Club and CELP