Idaho Department of Environmental Quality
Draft Section 401 Water Quality Certification

August 24, 2026

Project Name: Ashton Hydroelectric Project

FERC Project Number: P-2381

Applicant: PacifiCorp

Receiving Water Body: The Henry's Fork of the Snake River

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act or CWA), as amended, 33 U.S.C. Section 1341(a)(1), and Idaho Code §§ 39-101 *et seq.* and 39-3601 *et seq.*, the Idaho Department of Environmental Quality (DEQ) has authority to review activities licensed by the Federal Energy Regulatory Commission (FERC) and issue water quality certification decisions.

This certification is in response to the Final License Exemption Application (Application) submitted to FERC on December 16, 2025, by PacifiCorp. DEQ received a water quality certification request on January 15, 2026, pursuant to CWA § 401, for the issuance of a FERC license exemption authorizing the operation of the Ashton Hydroelectric Project, FERC Project No. 2381, (Project). The Project is located on the Henry's Fork of the Snake River (Henry's Fork), approximately 2 miles west of the town of Ashton.

Based upon review of the above-referenced Application and other relevant information, DEQ certifies that, if PacifiCorp complies with the terms and conditions imposed by the FERC license, and the conditions set forth in this water quality certification, then there is reasonable assurance for DEQ to conclude that the licensed activities will comply with water quality requirements, including applicable requirements of the CWA §§ 301, 302, 303, 306, and 307, Idaho's "Water Quality Standards" (IDAPA 58.01.02), and other appropriate water quality requirements of State law.

This certification is specifically for activities authorized by the FERC license exemption and does not constitute authorization by any other state or federal agency or private person or entity. This certification does not excuse PacifiCorp from the obligation to obtain any other necessary approvals, authorizations, or permits. Potential impacts unrelated to water quality or outside the scope of the FERC licensing action were not evaluated or conditioned in this certification.

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1 Proposed Project Facility and Operation

The Project is a run-of-the-river hydroelectric facility on the Henry's Fork, consisting of, but not limited to:

- A 56-foot high, 222-foot long earth- and rock-fill dam with an 82-foot wide gated spillway.
- A powerhouse containing three vertical Francis turbine generator units with a combined installed capacity of 6.7 megawatts.
- A 15-foot high, 280-foot long diversion tunnel.
- A reservoir impoundment with a gross storage capacity of 6,119 acre-feet and an average depth of 20–25 feet.

Additional details of the proposed Project facilities and operations are in the Application. In accordance with applicable law, PacifiCorp must notify DEQ if FERC authorizes modification to these operations so as to allow DEQ to determine whether such changes may affect compliance with Idaho's water quality standards.

2 Antidegradation Review

As part of its water quality standards program, Idaho has an antidegradation policy providing three tiers of protection to water bodies in Idaho (IDAPA 58.01.02.051). DEQ has adopted regulations to implement those antidegradation policies (IDAPA 58.01.02.052).

Tier I Protection. The first level of protection applies to all water bodies subject to CWA jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). A Tier I review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).

Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

Tier III Protection. The third and highest level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities do not degrade water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

2.1 Pollutants of Concern

The pollutants of concern for this Project are temperature, dissolved oxygen (DO), and sedimentation. As part of the § 401 water quality certification, DEQ requires the applicant to comply with various conditions to protect water quality and meet Idaho's water quality standards, including the water quality criteria applicable to these pollutants.

2.2 Project Area and Receiving Water Body Level of Protection

The Project area overlaps with the following assessment units (AUs) of the Henry's Fork: ID17040203SK012_06, which extends from the Ashton Dam to Fall River; ID17040202SK001_06L, which constitutes the area of the Ashton Reservoir; and ID17040202SK001_06, which extends upstream from the upper extent of the reservoir to the Warm River. The two Henry's Fork AUs (ID17040203SK012_06 and ID17040202SK001_06) are both designated for cold water aquatic life, salmonid spawning, primary contact recreation and domestic water supply. Assessment unit ID17040202SK001_06L is designated for primary contact recreation. In addition to these uses, all waters of the State are protected for agricultural and industrial water supply, wildlife habitat, and aesthetics (IDAPA 58.01.02.100).

DEQ employs a water-body-by-water-body approach to implementing Idaho's antidegradation policy. The most recent federally approved Idaho Integrated Report (DEQ 2024) and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05). The cold water aquatic life and salmonid spawning uses in the Henry's Fork segment below the Ashton Reservoir (ID17040203SK012_06) are currently listed as impaired by temperature.

Water bodies identified in the Integrated Report as not fully supporting assessed uses typically would not receive Tier II protection, in addition to Tier I protection, for the impaired uses. However, if biological or aquatic habitat parameters show a healthy, balanced biological community is present as described in the *Water Body Assessment Guidance* (DEQ 2016), then the water body shall receive Tier II protection (IDAPA 58.01.02.052.05.c.i).

The Henry's Fork within the project boundary supports a healthy wild trout fishery that is primarily dominated by introduced Rainbow Trout (IDFG 2025). Other salmonid species present in this reach include non-native Brown Trout, native Yellowstone Cutthroat Trout, and Mountain Whitefish (IDFG 2025). The Rainbow Trout population in the Ashton Reservoir is supplemented through annual hatchery releases by the Idaho Department of Fish and Game (IDFG). Water quality data collected by PacifiCorp and the Henry's Fork Foundation (Application, Exhibit E) indicate that water quality criteria are infrequently exceeded in the Project area, consistent with conditions that would indicate the support of the cold water aquatic life beneficial use (DEQ 2016).

Given this information, DEQ will provide Tier I protection for the domestic water supply use and both Tier I and Tier II protection for the cold water aquatic life, salmonid spawning, and primary contact recreation beneficial uses (IDAPA 58.01.02.051.01; 58.01.02.052.05.b).

2.3 Protection and Maintenance of Existing Uses (Tier I Protection)

A Tier I review is performed for all licenses applicable to waters subject to the jurisdiction of the CWA and requires demonstration that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected.

As described in the Application, PacifiCorp has proposed an alteration of the existing reservoir surface elevation operating band from the existing +/- 0.15 foot band to +/- 0.20 feet and

+/- 0.40 feet as needed. The applicant also proposes to temporarily modify run-of-river operations to accommodate activities including maintenance, emergency response, and response to flow conditions. PacificCorp must prepare an Operations and Compliance Plan as described in Exhibit E of the Application and in accordance with section 3.4 of this certification. If the Project adheres to the provisions of the FERC license exemption, the Operations and Compliance Plan, and conditions of this certification, then it is reasonable for DEQ to conclude that the Project will comply with the State's numeric and narrative criteria.

There is no available information indicating the presence of any existing beneficial uses beyond those already designated and discussed above. With implementation of the conditions in this certification, DEQ concludes that the level of water quality necessary to protect both existing and designated uses will be maintained and protected consistent with the Tier I provisions of IDAPA 58.01.02.051.01 and 58.01.02.052.07.

2.4 High-Quality Waters (Tier II Protection)

This reach of the Henry's Fork is considered high quality for cold water aquatic life, salmonid spawning, and primary contact recreation beneficial uses. The water quality relevant to these uses must be maintained and protected, unless lowering water quality is necessary to accommodate important social or economic development (IDAPA 58.01.02.051.02). To determine whether degradation will occur, DEQ evaluates how issuance of the license exemption may affect water quality for each pollutant relevant to the protection of aquatic life and recreation uses in the Henry's Fork (IDAPA 58.01.02.052.06).

PacifiCorp collected DO and water temperature data in the Project area in 2023 and summarized historical DO and water temperature data collected by PacifiCorp and the Henry's Fork Foundation from 2010 through 2021. Both the 2023 monitoring data and historical records show that DO concentrations at all monitoring stations generally did not violate the cold water aquatic life criterion of 6 milligrams per liter, with only infrequent instances of concentrations falling below the criterion. Consistent with IDAPA 58.01.02.054.03, "infrequent" in this context means that less than 10% of the applicable measurements exceeded the criterion during the evaluation period. Similarly, water temperatures at all monitoring stations infrequently exceeded the cold water aquatic life criteria of a 22 °C daily maximum and a 19 °C maximum daily average. Conversely, all monitoring stations showed frequent (more than 10%) exceedances of the salmonid spawning temperature criteria of 13 °C daily maximum and 9 °C maximum daily average. These exceedances were observed at monitoring stations upstream of the Project, prior to any potential Project influence and did not exhibit a longitudinal pattern that would indicate Project-related degradation.

To ensure continued protection of beneficial uses with respect to DO and water temperature, this certification requires adaptive management (section 3.7), including implementation of additional measures, as approved by DEQ, where monitoring demonstrates Project-related effects on DO and/or water temperature. DEQ may also request FERC to consider reasonable modifications to this certification if DEQ deems it necessary to provide additional requirements

of PacifiCorp to manage DO and/or water temperature in the Project area, in accordance with section 3.2 of this certification.

Idaho's water quality criteria (IDAPA 58.01.02.200.08, IDAPA 58.01.02.350) for sedimentation are narrative, rather than numeric:

> Sediment shall not exceed…quantities which impair designated beneficial uses. Determinations of impairment shall be based on water quality monitoring and surveillance and the information utilized as described in Subsection 350.

Run-of-river hydropower projects can store sediments within dam impoundments and influence downstream transport of sediment, which may in turn have the potential to degrade cold water and salmonid spawning beneficial uses. As documented in the Application, the sedimentation rate in the Ashton Reservoir is estimated to be 0.3 inches per year and an estimated 795 acre-feet of sediment has accumulated in the reservoir since the construction of the dam. If the accumulated sediment requires dredging or alteration of any kind during the life of the FERC license, PacifiCorp must first submit a Sediment Control and Management Plan to DEQ in accordance with section 3.4 of this certification. This plan must include all reasonable measures to be implemented to minimize degradation of beneficial uses.

The numeric and narrative criteria in the water quality standards are set at levels that ensure protection of existing and designated beneficial uses. Adherence to water quality standards, provisions in the FERC license, and the conditions of this certification ensure that degradation to the Henry's Fork will not occur. If these conditions are followed, then it is reasonable for DEQ to conclude that this Project will comply with the Tier II provisions of IDAPA 58.01.02.051.02, 58.01.02.052.06, and 58.01.02.052.08.

3 Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

Upon issuance of FERC's license, PacifiCorp must comply with Idaho's water quality standards, other appropriate water quality requirements of state law, and the conditions set forth in this certification. The following conditions are imposed pursuant to CWA § 401(d), 33 U.S.C. § 1341(d), and 40 CFR 121 and are necessary to ensure compliance with water quality requirements, including, without limitation, 33 U.S.C. §§ 1311, 1312, 1313, 1316, and 1317, Idaho Code § 39-108, and IDAPA 58.01.02. These conditions must be incorporated into the FERC license and are enforceable under federal law.

3.1 Project Modification

1. In accordance with applicable law, PacifiCorp must notify DEQ if FERC authorizes modification to the Project operations so as to allow DEQ to determine whether such changes may affect compliance with water quality standards.

2. PacifiCorp must notify DEQ in writing of any change in ownership or transfer of operational responsibility. The new owner or operator must request transfer of this certification.

3.2 § 401 Certification Modification

1. In accordance with 40 CFR 121.10, DEQ may request, at any time, that FERC consider reasonable modifications to the license exemption certification necessary to ensure compliance with Idaho water quality standards. With written concurrence from FERC, DEQ may modify this certification to add, delete, or alter the certification conditions in instances including, but not limited to:

    a. Changes in conditions regarding operation of the Project from those described in the Application that will affect or might affect compliance with water quality standards and requirements;

    b. Changes in the impairment status of water quality standards or beneficial uses in the Project area as they relate to Project operation; and

    c. There are changes to water quality standards, applicable federal laws, other appropriate requirements of state law, or the development of a new TMDL for this reach of the Henry's Fork.

3.3 Operations and Compliance Plan

1. To ensure the proposed maintenance and modifications of the run-of-river operations will comply with Idaho's water quality standards, PacifiCorp must develop an Operations and Compliance Plan. The plan must include a description of proposed operations, equipment and methods for recording applicable data, provisions for stakeholder meetings, an implementation schedule, and a procedure for inspection of data by DEQ.

2. PacifiCorp must submit a copy of the Operations and Compliance Plan to DEQ for review and written approval within 90 days of FERC's issuance of the project license exemption, unless DEQ approves an alternative schedule in writing.

3.4 Sediment Control and Management Plan

1. Prior to any removal or alteration of accumulated sediments within the Ashton Dam impoundment, PacifiCorp must develop a Sediment Control and Management Plan.

    a. PacifiCorp must develop and provide a copy to DEQ for approval prior to project implementation.

    b. PacifiCorp must implement, install, maintain, monitor, and adaptively manage temporary and permanent sediment and erosion control best management practices (BMPs) designed to minimize sediment discharge, turbidity, and

downstream sediment sufficient to ensure compliance with applicable water quality standards.

3.5 Implementation of Approved Plans

1. PacifiCorp must implement and maintain all plans approved pursuant to this certification. Any deviation from an approved plan that may affect water quality requires prior written approval from DEQ unless necessary to address an emergency situation.

3.6 Inspection and Record Access

1. PacifiCorp must provide DEQ reasonable access to inspect the Project area and records required by this certification for the purpose of verifying compliance with certification conditions and applicable water quality standards.
2. PacifiCorp must maintain a copy of this certification at each Project powerhouse or otherwise make it readily available to Project personnel.
3. PacifiCorp must ensure that all employees, contractors, and operators comply with the terms and conditions of this certification.
4. DEQ may inspect the Project, review monitoring data and records, require additional monitoring or corrective measures where necessary to verify or achieve compliance with applicable water quality standards, and modify this certification in accordance with 40 CFR 121.10 and applicable state law where such modification is necessary to ensure continued compliance with water quality requirements. Any modification must be limited to water quality-related impacts associated with activities authorized by the FERC license.

3.7 Adaptive Management and Corrective Action

1. Where monitoring results or Project observations indicate that Project activities are causing or contributing to exceedances of applicable water quality standards or other adverse water quality effects, PacifiCorp must implement corrective actions consistent with the conditions of this certification. Corrective actions may include operational modifications, additional monitoring, implementation or modification of BMPs, or other measures necessary to achieve and maintain compliance with applicable water quality standards.

3.8 Notifications

1. Notifications required under this certification must be provided to DEQ's Idaho Falls Regional Office.

2. PacifiCorp must provide all notifications required by this certification, including commencement of authorized work, noncompliance events, exceedances of applicable water quality criteria, and changes in ownership or Project responsibility.

3.9 Water Quality Standards Compliance

1. Notwithstanding the conditions of this certification, no wastes shall be discharged and no Project activity must be conducted in a manner that causes or contributes to a violation of Idaho's water quality standards.

4 Right to Appeal Final Certification

The final § 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5) and the "Rules of Administrative Procedure before the Board of Environmental Quality" (IDAPA 58.01.23), within 35 days of the date of the final certification.

Questions or comments regarding the actions taken in this certification should be directed to DEQ's Idaho Falls Regional Office (208) 528-2650.

Troy Saffle
Regional Administrator
Idaho Falls Regional Office

References

DEQ (Idaho Department of Environmental Quality). 2016. *Water Body Assessment Guidance*. 3rd Edition. Boise, ID: DEQ. https://www2.deq.idaho.gov/admin/LEIA/api/document/download/14844

DEQ (Idaho Department of Environmental Quality). 2020. *Idaho Catalog of Storm Water Best Management Practices*. Boise, ID: DEQ. https://www.deq.idaho.gov/water-quality/wastewater/storm-water/

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IDFG (Idaho Department of Fish and Game). 2025. *Fisheries Management Plan 2025 – 2030: A Comprehensive Guide to Managing Idaho's Fisheries Resources*. Idaho Fish and Game, Boise, ID. https://idfg.idaho.gov/sites/default/files/digital-2025-2030-fisheries-plan.pdf