



IDAHO DEPARTMENT OF FISH AND GAME

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MAR 09 2022

Department of Water Resources
Eastern Region

Brad Little / Governor
Ed Schriever / Director

March 9, 2022

James Cefalo, Regional Manager
Idaho Department of Water Resources
900 N Skyline Drive
Idaho Falls, Idaho 83402

Re: Transfer No. 85695 – PacifiCorp Water Right No(s). 11-248, 11-249, 11-250, 11-251

The Idaho Department of Fish and Game's (IDFG) mission is to preserve, protect, perpetuate, and manage Idaho's fish and wildlife resources for the public interest (Idaho Code § 36-103). Accordingly, IDFG has reviewed PacifiCorp's "Application for Transfer of Water Right" (ATWR; Transfer No. 85695) dated 22 November 2021 for the Dry Canyon Pumped Storage Project (Project). The ATWR proposes to modify PacifiCorp's Bear Lake Reservoir Decreed Rights (Nos. 11-248, 11-249, 11-250, 11-251) by adding new places of use (i.e., new upper and lower reservoirs) and possible points of diversion to facilitate additional power production, which is an existing beneficial use. The ATWR proposed no other changes to the existing water right elements. Additionally, PacifiCorp submitted on 13 October 2021 an application for a preliminary permit with the Federal Energy Regulatory Commission (FERC) pursuant to the Federal Power Act to study the Project's feasibility in anticipation of pursuing a FERC hydroelectric operating license.

Based on the current understanding of the Project, IDFG is choosing not to protest PacifiCorp's ATWR per the Idaho Department of Water Resource (IDWR) process. Rather, IDFG believes that potential Project effects on public-trust fish, wildlife, and associated recreation would be most efficiently addressed during the FERC preliminary permit and licensing processes and other Project-related permitting processes (e.g., wetland permitting per the Clean Water Act). IDFG will be available to collaborate with PacifiCorp, in coordination with the Idaho Governor's Office of Species Conservation (OSC), during both the FERC preliminary permit period and licensing process to address priority resources including the following examples: greater sage-grouse, big game migration habitat and winter range, wetlands, waterfowl, sport fisheries, species of greatest conservation need, and public hunting and fishing.

Although not protestants, IDFG and OSC are available to provide IDWR with technical assistance to inform decision-making and recommendations to avoid, minimize, or mitigate adverse effects on fish, wildlife, and associated recreation. If PacifiCorp's ATWR materially changes or new information becomes available, IDFG may consider petitioning to intervene in IDWR's process at a future date.

Thank you for the opportunity to review and comment, and please include this letter in IDWR's files for this ATWR and Project. Please contact Becky Johnson (Environmental Staff Biologist; 208-236-1258) with questions.

Sincerely,

Frank Edelmann
Chief, Technical Services Bureau

Keeping Idaho's Wildlife Heritage