



**IDAHO DEPARTMENT OF FISH AND GAME**

MAGIC VALLEY REGION  
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Jerome, Idaho 83338

RECEIVED  
NOV 20 2020  
DEPARTMENT OF  
WATER RESOURCES

Brad Little / Governor  
Ed Schriever / Director

November 20, 2020

Director Gary Spackman  
Idaho Department of Water Resources  
Western Regional Office  
2735 W. Airport Way  
Boise, ID 83705-5082

Randall C. Budge  
T.J. Budge  
Racine Olson, PLLC  
P.O. Box 1391  
Pocatello, ID 83204

**Re: IDFG Response to Rule 40.05(g) Comment Solicitation – Water Right Applications-for-Permit Nos. 63-34403, 63-34652, 63-34897 & 63-34900—Cat Creek Energy, LLC**

Dear Director Spackman,

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 reviewed Application-for-Permit Nos. 63-34403, 63-34652, 63-34897 and 63-34900 (Applications) submitted by Cat Creek Energy, LLC (CCE) to appropriate public waters from the South Fork Boise River for power generation and diversion to storage for irrigation, municipal, domestic, industrial, commercial mitigation, and aquifer recharge uses (collectively CCE's proposed Project). Because CCE's Applications contained few Project details, IDFG filed protests per Idaho Code §42-203A(4) to offer the Idaho Department of Water Resources (IDWR) technical assistance with decision making and recommendations to avoid, minimize, or mitigate potential adverse Project effects on public interest fish and wildlife resources and related recreation.

Conserving fish and wildlife resources through IDWR's water appropriation process is critical to Idaho's public interest, noting that fish and wildlife resources supported by the South Fork Boise River, its reservoirs, and surrounding lands provide significant local recreation and economic activity. The 30 October 2020 letter from Mr. Randall C. Budge of Racine Olson, PLLC on CCE's behalf invited IDFG comments about potential Project effects on local fish and wildlife resources. IDFG and CCE have begun coordination to assess Project effects (e.g., greater sage-grouse surveys). However, important information gaps still exist (e.g., Project construction, operations, maintenance, water right implementation, etc.). Filling these gaps is therefore necessary to address the following key issues and questions about Project effects on priority local fish and wildlife resources and associated recreation supported by existing conditions:

1. How would the following elements of the proposed Project and water right implementation alter existing environmental conditions for fish and wildlife resources within Anderson Ranch Reservoir, South Fork Boise River downstream of Anderson Ranch Dam, Boise River downstream of Lucky Peak Dam, and surrounding landscapes?
  - a. Hydroelectric reservoir, pump stations and all associated infrastructure construction designs and mapped footprint.
  - b. Hydroelectric reservoir initially fill and future fill operations.
  - c. Daily/seasonal hydroelectric water diversion (e.g. frequencies, timing, durations, and volumes).

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- d. Anderson Ranch Reservoir pumping depth and location; Inflow (from hydroelectric reservoir) depth and location and impacts to water column stratification and mixing.
  - e. Anderson Ranch Reservoir and South Fork Boise River water quantity and availability changes (e.g., losses, gains and non-hydroelectric downstream conveyances).
  - f. Daily/seasonal Anderson Ranch Reservoir stage and South Fork Boise River hydrograph changes.
  - g. Boise River downstream of Lucky Peak Reservoir hydrograph changes due to an additional 80,000 acre-feet of conveyance.
  - h. Delivery and diversion locations of storage water throughout the Treasure Valley.
2. How would the proposed Project and water right implementation alter the following existing fishery resources and recreation in the South Fork Boise River and reservoirs?
- a. Endangered Species Act-protected Bull Trout viability.
  - b. Sportfish populations (e.g. Kokanee, Rainbow Trout and Smallmouth Bass).
    - i. Fish community diversity and species abundance.
    - ii. Fish growth rates.
    - iii. Fish mortality sources (e.g., entrainment/impingement).
  - c. Aquatic habitat availability and suitability.
    - i. Fishery carrying capacity.
    - ii. Forage productivity (e.g., plankton and forage fish diversity, abundance, and distribution).
    - iii. Water quality (e.g., temperature thermocline stratification, oxygen, turbidity, nutrients, etc.).
    - iv. Shoreline erosion and tributary outlet stability.
    - v. Fluvial processes and function.
  - d. Recreational opportunities.
    - i. Angling success (i.e., boating and shoreline anglers).
    - ii. Reservoir boating access, navigation, and shoreline mooring.
3. How would the proposed Project affect the following existing wildlife resources and associated recreation in and surrounding area?
- a. Migratory Birds.
  - b. Sage Grouse.
    - i. Seasonal habitats (e.g., nesting and brood rearing).
    - ii. Lekking.
    - iii. Seasonal migration.
  - c. Big Game (mule deer, elk, and pronghorn).
    - i. Summer and transition habitat availability.
    - ii. Seasonal migration.
    - iii. Hunting opportunity and success.

Thank you for the opportunity to provide comments. IDFG looks forward to continue working with IDWR and CCE during the water appropriation process to address information gaps that currently limit IDFG's ability to assess Project effects on priority fish and wildlife resources. For questions, please contact Tom Bassista, Technical Assistance Program Coordinator (208-287-2773; [thomas.bassista@idfg.idaho.gov](mailto:thomas.bassista@idfg.idaho.gov)).

Sincerely,



Craig White  
Magic Valley Regional Supervisor

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## Hersley, Jean

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**Subject:** FW: IDFG Response to Cat Creek Energy Rule 40.05(g) Comment Request  
**Attachments:** IDWR\_IDFG-CCE-Rule40Comments-Let\_V01\_201120.pdf; 20201030 IDAPA 40.05.g ltr requesting public comment.pdf

**From:** Edelmann, Frank [<mailto:frank.edelmann@idfg.idaho.gov>]  
**Sent:** Friday, November 20, 2020 4:16 PM  
**To:** Spackman, Gary <[Gary.Spackman@idwr.idaho.gov](mailto:Gary.Spackman@idwr.idaho.gov)>  
**Cc:** English, Kimberle <[Kimberle.English@idwr.idaho.gov](mailto:Kimberle.English@idwr.idaho.gov)>; Costello, Sean <[Sean.Costello@idwr.idaho.gov](mailto:Sean.Costello@idwr.idaho.gov)>; [randy@racineolson.com](mailto:randy@racineolson.com); [tj@racineolson.com](mailto:tj@racineolson.com); Vonde, Ann <[ann.vonde@ag.idaho.gov](mailto:ann.vonde@ag.idaho.gov)>; Bassista, Tom <[thomas.bassista@idfg.idaho.gov](mailto:thomas.bassista@idfg.idaho.gov)>; White, Craig <[craig.white@idfg.idaho.gov](mailto:craig.white@idfg.idaho.gov)>  
**Subject:** IDFG Response to Cat Creek Energy Rule 40.05(g) Comment Request

Dear Director Spackman,

Please see IDFG's attached letter in response to Cat Creek Energy's 30 October 2020 request (attached) for Rule 40.05(g) comments on water right Applications-for-Permit Nos. 63-34403, 63-34652, 63-34897 and 63-34900.

Please contact myself or Tom Bassista (cc'd) with questions or for additional information.

Sincerely,

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