



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION
2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

C.L. "Butch" Otter/Governor

July 14, 2010

Cal Groen/Director

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Ste 100
Coeur d'Alene, ID 83815

Dear Keith:

REFERENCE: NORTH FORK COEUR D'ALENE RIVER PROTESTS
94-7423, 94-7439, 94-7441, 94-7544, 94-7545, 94-7560, 94-7561, 94-7570

IDFG is concerned about the recent proliferation of recreational lots, and the negative impacts to the riparian habitat, along the North Fork Coeur d'Alene River. The North Fork Coeur d'Alene River is managed by IDFG as a quality westslope cutthroat trout fishery and is an important component of westslope cutthroat trout habitat range-wide. It is a very popular fishing destination with local and out-of-state anglers.

Several research and restoration projects have been, and are currently being conducted, on the North Fork and the Little North Fork Coeur d'Alene Rivers. Idaho and neighboring states (MT/WA/OR) have recently fended off a listing of westslope cutthroat under the Endangered Species Act by demonstrating that healthy populations and habitat exist in places like the North Fork Coeur d'Alene River and that the appropriate state regulatory mechanisms are in place to protect them. Maintaining and protecting riparian vegetation is essential to sustaining healthy fish populations.

Riparian vegetation has complex root systems that slow stream bank erosion during high flows with well-rooted, woody vegetation that can withstand increased flows more effectively than stream banks that are sparsely vegetated or grass covered. Trees and shrubs provide shade, which is critically important for maintaining the cooler water temperatures necessary for our native trout. Additionally, trees contribute valuable large woody debris in the stream that provides cover for fish and other aquatic species. Furthermore, intact riparian areas provide habitat for a wide range of terrestrial and avian species, from big game to migratory birds.

The State of Idaho has recognized the importance of this fishery by instituting a Minimum Stream Flow (94-7341) to prevent the degradation of instream habitat. Water shall not be diverted under this right when flows in the Coeur d'Alene River are below 1018.00 cfs from November 1st through June 30th and 413.00 cfs from July 1st through October 31st at the confluence of the Coeur d'Alene River and the South Fork Coeur d'Alene River in the NENW, S31, T49N, R2E, Shoshone County, which is a short distance downstream of the applicants' property.

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Unless otherwise specified by the Director of IDWR, data from the USGS Cataldo gauging station, #12413500, may be used for purposes of determining the flows in the Coeur d'Alene River pursuant to this provision.

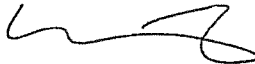
We are concerned that the cumulative effects of recreational lot owners applying for diversions will decrease stream flows, particularly during the low flow summer months, which can be harmful to this popular fishery and have negative impacts on riparian vegetation. IDFG will agree to withdraw our protests if the conditions listed below are reflected in the permits.

1. The water intake will be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; intake approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.
2. Water use will occur between April 15 and October 31 unless the Minimum Stream Flow (WR 94-7341), discussed above, takes precedence.
3. Beneficial uses will include Diversion for Irrigation at 0.03 cfs per acre

In addition to the above listed application, IDFG requests that all future applications for water diversions from the North Fork Coeur d'Alene River be conditioned with the above listed conditions.

Thank you for your attention to this matter.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB

C: Sharon Kiefer, IDFG, Boise
Walt Poole, IDFG, Boise
David Stanish, AG, Boise