

Cox, Sharla

From: Bassista, Tom [tom.bassista@idfg.idaho.gov]
Sent: Friday, October 14, 2011 4:05 PM
To: Cox, Sharla
Subject: Applicatin for Permit # 23-11418

Sharla:

Please ensure this email makes it into Application for Permit file 23-11418, Palisades Creek-off stream pond.

Palisades Creek is a significant spawning and rearing tributary for native Yellowstone cutthroat trout (YCT). Fish and Game is concerned about YCT moving into the pond and subsequently dying. We recommend that the intake and outflow pipes are properly screened to avoid entrainment into the pond. Fish and Game is willing to work with the landowner to install proper screening.

Fish and Game also wants to ensure that if the applicant intends to stock with pond with trout (or other fish) that they need to contact our Regional Office at 525-7290 to obtain a stocking permit. Please note that the Department may not grant a stocking permit.

TITLE 36
FISH AND GAME
CHAPTER 9
PROTECTION OF FISH

36-906. Fishways in dams -- Screens in diversions -- Removal of unused dams -- Penalty. (a) Fishways Required. No person shall construct or maintain a dam or other obstruction which restricts the free and uninterrupted passage of fish in any stream in this state without a proper fishway therein. Such fishway shall be installed and maintained at the owner's expense and shall be of a sufficient kind and capacity as to accommodate seasonal movements of fish up and down the stream. Said fishway shall be constructed according to plans and specifications approved by the director and such plans shall be incorporated into the overall design of said dam prior to the start of construction. The director, upon request, shall furnish design criteria for such fishway construction.

(b) Screening of Diverted Waters. No person shall operate any mill, factory, power plant or other manufacturing concern run by water power and having either a head or tail race, or for any person to maintain and operate any ditch, flume, canal or other water conduit receiving or taking water from any stream or lake in this state without first installing and maintaining a suitable screen or other device to prevent fish from entering

therein; said screens shall be installed and maintained in a manner and to such specifications and at such locations as may be required by the director and at the expense of the owner or operator of such diversion.

(c) Notification of Need -- Screens or Fishways. When a need is found for screens or fishways in planned or existing diversions, dams or obstructions, the director shall order in writing the construction and installation of such screens or fishways. Said order shall specify the type, design and location of said screen or fishway and the time within which said screen or fishway must be installed. Said time shall not be less than thirty (30) days nor more than six (6) months from the date of service of said order.

(d) Removal of Existing Structures -- Removal of Abandoned Structures. When it is found that dams or other obstructions which have been placed in the rivers or streams of this state have been abandoned or are not serving any useful purpose and it appears the same are detrimental to the fishery resource, the director may cause the removal of same in such manner as he may see fit.

Please contact me if you have any questions.

Tom P. Bassista
Environmental Staff Biologist

Idaho Department of Fish and Game
Upper Snake Region
4279 Commerce Circle
Idaho Falls, ID 83401
208.525.7290