

TO: STATE OFFICE STAFF

FROM: DANIEL A. NELSON

DATE: 9/10/07

SUBJECT: PARALLEL PROCESSING OF SMID APPLICATION FOR PERMIT

This application falls within the borders of Basin 77, but isn't within the borders of the Wild and Scenic processing area. Therefore, it has not been entered into the spreadsheet, and will not be advertised with special Wild and Scenic legal remarks. However, this application is within the area that requires parallel processing of the application. The applicant has supplied all the required additional information needed to allow this application to be reviewed by both offices.

This application is for Hydropower and will be diverted from French Creek, Tributary to the Salmon River. Please see my 2/22/2007 Hydropower evaluation memo that reviews the information requirement for administrative memo 24.

The applicant has supplied a letter from the Department of Environmental Quality that approves of the application as long as the use does not impair existing beneficial uses of French Creek, and the stream flow should be maintained at a level to sustain existing aquatic life. The applicant has also supplied a cost analysis and financial background that show they have the means to complete the project.

The applicant also received a letter from the Idaho Fish and Game dated 8/30/2006, which brought forward several issues that could hamper wildlife if this proposal was allowed to go forward. The applicant, his consultants, and attorney have all worked with the fish and game concerning this initial letter. A second letter was sent by the Idaho Fish and Game on 7/17/2007 concerning this proposal. This letter still echoed some of the earlier concerns, but regional staff believes that these concerns can be eased with the addition of the following conditions:

029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Diversion under this permit cannot reduce the flows in French Creek by more than 25% at any given time

Best management practices must be used to minimize the disturbance of the streambed and to avoid stream bank erosion.

Prior to construction of the outflow structure, an approved stream channel alteration must be attained from the Idaho Department of Water Resources and the US Army Corp of Engineers.

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A great deal of information has been supplied and reviewed under this application. Much of this information was submitted without being required. The concerns registered by the Idaho Fish and Game Department have been the biggest stumbling block throughout this entire application process. The applicant has tried to have our office review the information concerning fish passage and frazzle ice, which were the concerns raised by Fish and Game. I believe that with the above conditions, we will be able to satisfy all involved.

By reviewing all of this information, I believe it can be approved barring any unforeseen protests.