



IDAHO DEPARTMENT OF FISH AND GAME

600 South Walnut/P.O. Box 25
Boise, Idaho 83707

C.L. "Butch" Otter / Governor
Cal Groen / Director

July 17, 2007

Mr. Carl Smid
HC 69 Box 950
Riggins, ID 83549

RE: Water right application for proposed hydropower project on French Creek, Salmon River Basin

Dear Mr. Smid:

Idaho Department of Fish and Game staff has reviewed your draft application for a water right to divert 2.0 cfs from French Creek in the Salmon River basin. We previously met with you and your consultants in August 2006 to discuss our initial questions and concerns about resource effects resulting from your proposed project. At the time, one of your consultant asked if IDFG concerns might be addressed through the water right application process and we suggested you discuss that matter with the Idaho Department of Water Resources (IDWR). The Western Region Office of IDWR subsequently received an application for a permit to divert water on April 30, 2007. However, IDFG only became aware of the application on July 13 when Mr. Norm Semanko called to request IDFG comments. We also received a subsequent telephone call from Dan Nelson (IDWR) on July 17 requesting our comments on the application. In response, we reviewed our files regarding the proposed hydropower project and provide the following comments.

Fishery Resources

Many of the tributary streams in the Salmon River canyon, including French Creek, are important producers of wild steelhead trout (*Oncorhynchus mykiss*). They represent the largest and only contiguous production area for wild A-run steelhead in the Salmon River and most of these tributaries, again including French Creek, have good to excellent trout habitat (IDFG 2007). Bull trout (*Salvelinus confluentus*), redband trout (*O. mykiss*), and brook trout (*Salvelinus fontinalis*) are also found in French Creek (Dale Allen, IDFG, personal communication; Craig Johnson, Bureau of Land Management, personal communication; Roger Nelson, Payette National Forest, personal communication). Steelhead and bull trout are listed species under the Endangered Species Act. Because of the presence of listed species in the stream, we suggest you also contact the U.S. Fish and Wildlife Service (FES; 378-5243) and the National Marine Fisheries Service (NMFS; 378-5696) offices in Boise to determine what concerns they may have regarding the proposed project.

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Hydrology

The water right application does not address the hydrology of French Creek, but the Declaration of Intention filed with the Federal Energy Regulatory Commission (FERC) provided estimated mean monthly discharges for French Creek based upon USGS derived calculations (Kjelstrom 1998; Lipscomb 1998). The flow duration statistics indicate the proposed 2.0 cfs diversion would equal approximately 25%, of the total of the 80% exceedance flow during February (lowest flow month) and approximately 13% of the February median flow.

Ice formation in the stream

One of the concerns IDFG raised during the August 2006 meeting was the possibility that reduced wintertime flows due to your proposed diversion could increase the likelihood of frazil and anchor ice formation. We raised the concern that increased ice formation might lead to the disruption of the streambed and adversely affect fish habitat. Dr. Gregg Teasdale researched the subject and submitted a detailed report to IDWR on the potential for frazil and anchor ice formation in central Idaho streams in general and French Creek in particular (Teasdale 2007). IDFG received a copy of this report in April 2007. Dr. Teasdale concluded that due to the relatively low elevation (2,300 ft) of the reach of French Creek where the proposed hydropower diversion would be located, conditions are not conducive to the formation of extensive anchor ice and combined with the predominantly large substrate in this reach of French Creek, substantial streambed disruption is likely rare. IDFG agrees that Dr. Teasdale's analyses and conclusions adequately address our concerns.

Diversion structure and fish screens

The application describes the diversion works as "... 6 inch diameter end-of-pipe tee configuration submerged inlet...placed approximately 1 foot below the normal low water level approximately 5 feet from shore." You should check with IDWR regarding the need for a Stream Channel Alteration Permit and with the Idaho Department of Lands and the Corps of Engineers to determine if the proposed construction activities in French Creek require a 404 permit to work below the ordinary high water mark. IDFG recommends instream construction work should be conducted during the summer low flow period (July 1 to August 14). Best management practices (BMPs) should be employed to minimize disturbance to the streambed and banks during construction, and to ensure state water quality standards are met. The diversion structure also must not impede the free upstream and downstream passage of fish in the stream (Idaho Code 36-906a) and should be designed to withstand the full range of flows expected to occur in French Creek.

Both the water right application and the Declaration of Intention filed with the FERC state the penstock inlet will be equipped with a passive fish protection screen complying with NMFS criteria. We agree that an appropriate screen must be installed to prevent the entrainment of fish into the penstock. Please consult with NMFS and FWS to determine the appropriate design criteria to protect steelhead and bull trout.

You asked at the August 2006 meeting if IDFG might design and install the diversion and fish screen for your project. While IDFG does work with diverters in other parts of the Salmon River basin to design and install appropriate screens on existing diversions, we do not design and install

diversion structures themselves. Also, most of the funding IDFG receives to install fish screens is specific to screening irrigation diversions. While we do receive some money to screen other types of diversions, projects funded with these dollars are prioritized based upon needs within the entire Salmon River basin for several years in advance. Other agencies such as the Bureau of Reclamation, National Resources Conservation Service, or FWS may have funding available to assist you in providing appropriate screening for the proposed diversion.

Protection of the riparian area

The application does not provide specific details or construction plans for review, so we can make only generalized suggestions for protecting the riparian area during and after construction of the project. If possible, the powerhouse should be located outside the active floodplain area to allow the floodplain to remain functional. Erosion control measures (e.g., silt fences) and appropriate BMPs should be employed to ensure soil erosion and potential sediment delivery to the stream is avoided or minimized during and after construction. Disturbance to and removal of riparian vegetation should be minimized and bare areas should be revegetated with appropriate native plants following construction activities.

Penstock location and road erosion control

Location of the penstock in the roadway should be on stable ground, where a large leak or possible pipeline blowout will not result in the delivery of significant amounts of sediment to the stream. Measures to control surface erosion on the road where the penstock will be buried should be employed to minimize sediment delivery to French Creek. IDFG suggests you obtain a copy of the *BMP Handbook--Best Management Practices for Idaho Rural Road Maintenance* (Smith 2005) to reference appropriate practices.

Thank you for the opportunity to provide our input on your proposed project. If you have questions, please call me at 208-287-2715.

Sincerely,



Cindy Robertson
Fishery Program Coordinator

cc: Dale Allen, McCall Office, IDFG
Dan Nelson, Western Region Office, IDWR
Norm Semanko, c/o Barker Rosholt, & Simpson, LLP
Chuck Cuddy, Cuddy & Associates

References

Idaho Department of Fish and Game. 2007. Fisheries Management Plan 2007-2012. Boise ID.

Kjelstrom, L.C. 1998. Methods of estimating selected flow-duration and flood-frequency characteristics at ungaged sites in Central Idaho. United States Geological Survey. Boise, ID.

Lipscomb, S.W. 1998. Hydrologic classification and estimation of basin and hydrologic characteristics of subbasins in Central Idaho. United States Geological Survey. Boise, ID.

Smith, Stacy. 2005. BMP Handbook--Best management practices for Idaho rural road maintenance. Idaho Technology Transfer Center, University of Idaho, Moscow, ID.