

Post-it® Fax Note <i>FVI</i> 7671		Date <i>8-29</i>	# of pages <i>1</i>
To <i>SKIP/REN</i>	From <i>Bob Foster</i>		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

Memo

To: Model Watershed
From: Pat Marcuson
CC: Mike Larkin *PM*
Date: 08/21/00
Re: Screens shut-off, fish loss, fish rescue

LHC-11: Checked by Don Philips on 08/12/00. He discovered the water was already gone except for puddles with evidence of dead fish and presence of predators (birds and raccoons), no successful rescue. Checked by Fred Hough on 08/13/00, Fred was able to rescue approximately 100 game fish, sized 2" to 6". These included steelhead (rainbow), cutthroat, and bull trout. Checked by Greg Lowell on 08/14/00, only miniscule puddles remained but Greg was able to rescue 44 fish sized 2" to 6", species as listed above.

LHC-07(EAST FORK): (unscreened) Not examined until 08/14/00, Greg Lowell discovered only one shallow puddle in a one mile distance of ditch. There were no living fish, or carcasses, but considerable evidence of predator feeding activity.

L-81: Checked by Don Philips on 08/11/00, the water was off but deep pools between the headgate, culvert, and screen contained dead fish. No water passage through the headgate, or to the by-pass, resulted in fish trapped in 20-degree water. There was active raccoon feeding and piles of dead steelhead (rainbow), brook trout, cutthroat and bull trout, the carcasses were removed by Don Philips. On 08/14, Greg Lowell found more dead fish in a pool including above named trout, a 17" native rainbow and dead salmon smolt. There were no live fish rescued.

LHC-10: This ditch was turned off around 08/11 but seepage through the headgate (either due to partial opening or leakage) kept a reasonable flow of water from headgate to by-pass. There are no deep pools to trap fish. The water temperature remained cool and there was no evidence of fish loss, trapped live fish, or predator activity.

BSC-06: This ditch inspected shortly after being turned off had a number of stranded fish. Fish were trapped in a deep pool between the headgate and the screen at the culvert. A rescue team consisting of Greg Lowell, Fred Hough, and Larry Shanafelt was able to pump much of the water out and by netting rescued and released over 100 trout of various species (2" to 8" length) and 40 salmon.

L-31: Jack Miller discovered on 08/16/00 L-31 was turned off, and the by-pass has been kept closed by irrigators. There were 7 carcasses, rainbow and white fish. Approximately 50 game fish were rescued and more rescue work is in progress as of 08/17/00.

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Northwest Region
7600 Sand Point Way, N.E.
Bin C15700, Bldg. 1
Seattle, Washington 98115-0070

August 10, 2000

Governor Dirk Kempthorne
Statehouse
Boise, Idaho 83720

Dear Governor Kempthorne:

Thank you for your letter regarding fish and water issues in the Lemhi River. I too regard the Lemhi issues as extremely important, both for the anadromous fish resources of concern in the Lemhi drainage as well as test case for similar low flow problems throughout central Idaho. Recently, NMFS enforcement responded to reports of similar problems in upper Salmon River tributaries. These occurrences underscore the need to maintain a major focus on the Lemhi River while also considering whether there are proactive ways to avoid similar problems across the Salmon River Basin, especially in lower-than-normal water seasons like this one.

Regarding the Lemhi River, my staff has met and communicated with various state agencies and local interests over the past several months regarding effects of irrigation on Endangered Species Act listed fish in the Lemhi River. Those meetings have been useful, although we are concerned that water use in the Lemhi will continue to "take" listed species. At the same time, we agree that we need to seek long-range solutions that protect fish and provide stability for water users.

It is not unusual for segments of the Lemhi River to be de-watered during May and August of normal or drier-than-normal water years. During early May of this year, for example, dead and dying fish were documented along recently constructed push-up berms in the Lemhi River. During 1994, a three-mile section of the lower Lemhi River was essentially de-watered for three months through the summer and fall.

Depleted streams can create conditions that "take" listed fish in violation of the Endangered Species Act. Spring/summer chinook salmon, steelhead, and bull trout are listed under the ESA, 16 U.S.C. §§ 1531 et seq. Although the ESA allows for limited authorization for non-Federal entities to incidentally take listed species, no authorizations have been sought in the Lemhi River.



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The state and water users have committed to supply 10 cfs of water with pulsing flows up to 35 cfs in the lower seven miles of river from July through mid-September of this year. We appreciate any effort to avoid a recurrence of the dewatering experienced in May. Our concern remains, however, that these flows will not allow adequate adult and juvenile chinook salmon passage and survival, listed species will be taken this season, and NMFS may be forced to seek injunctive relief and/or penalties. Our contractor's extensive work with the Lemhi River data indicates that flows of at least 40 and 60 cfs are needed for adult salmon holding and spawning in the river's middle and lower reaches. Absent an application for exemption, the prospect of "take" violations remains.

We welcome a discussion on Lemhi water management with the state regarding ways to reduce "take" this season, increase our collective understanding of the effect of low Lemhi River flows this year on listed fish, and determine how we might work toward an appropriate course of action for the longer term. As mentioned in the opening paragraph, we would like also to discuss how to anticipate and avoid "take" in other upper Salmon River drainages. John Volkman (503-231-6267) or Ted Meyers (208-378-5696) of my staff will help schedule such a meeting.

Once again, I very much appreciate your efforts in this regard.

Sincerely,

Michael R. Crouse

For

William Stelle, Jr.
Regional Administrator

cc: Clive Strong, Idaho Attorney General's Office
Rod Sando, Director, Idaho Department of Fish and Game
Karl Dreher, Director, Idaho Department of Water Resources
Robert Thomas, Chairman of the Board, Water District 74
R.J. Smith, Chairman of the District, Water District 74
✓ Lemhi Irrigation District
Lemhi County
Lemhi Model Watershed
Shoshone-Bannock Tribes
Nez Perce Tribe