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Article 12

Statewide Technical Assistance

JOB PERFORMANCE REPORT
PROJECT FW-7-T-7

Subproject I, Job No. 1: Fisheries Program Coordination and Supervision
Subproject I, Job No. 2: Statewide Quantity Investigation
Subproject I, Job No. 3: Statewide Responsive Management
Subproject II, Job No. 1: Panhandle Region Technical Assistance
Subproject II, Job No. 2: Clearwater Region Technical Assistance
Subproject II, Job No. 3: Southwest Region Technical Assistance
Subproject II, Job No. 4: Magic Valley Region Technical Assistance
Subproject II, Job No. 5: Southeast Region Technical Assistance
Subproject II, Job No. 6: Upper Snake Region Technical Assistance

PERIOD COVERED: July 1, 2000 to June 30, 2001

BY

Scott Grunder, Fishery Program Coordinator
Cindy Robertson, Staff Fishery Biologist
Michele Beucler, Wildlife Mitigation Specialist
Ray Hennekey, Environmental Staff Biologist
Jerome Hansen, Environmental Staff Biologist
Bob Martin, Environmental Staff Biologist
Chuck Warren, Environmental Staff Biologist
Jim Mende, Environmental Staff Biologist
Don Kemner, Environmental Staff Biologist

TABLE OF CONTENTS

Page

Subproject I, Job No. 1. Fisheries Program Coordination and Supervision

ABSTRACT..... 1

OBJECTIVES..... 2

METHODS..... 2

RESULTS..... 2
- Federal Energy Regulatory Commission Matters..... 2
- Miscellaneous Activities..... 4

Subproject I, Job No. 2. Water Quantity Investigation

ABSTRACT..... 5

OBJECTIVES..... 6

RESULTS..... 6
- Instream Flow Program..... 6
  - Lemhi River..... 6
  - Northern Idaho Rivers, Billingsley Creek, and Teton River..... 7
  - Lake Pend Oreille Tributary Flow Study..... 7
  - Instream Flow Council..... 7
- Snake River Basin Adjudication..... 7
  - Department Water Rights..... 7
  - Hagerman Valley Water Rights..... 8
  - Federal Reserve Water Rights..... 8
- Water Quality Investigations..... 9
  - Forest Practices Act..... 9

LITERATURE CITED..... 10

LIST OF APPENDICES

APPENDIX 1..... 11

Subproject I. Job No. 3. Statewide Responsive Management

ABSTRACT..... 21

OBJECTIVES..... 22

METHODS..... 22

RESULTS..... 22

OBJECTIVES FOR THE NEXT PROJECT YEAR..... 24

Subproject II. Job No. 1. Panhandle Region Technical Assistance

ABSTRACT..... 25

LIST OF TABLES

TABLE 1..... 26

Subproject II. Job No. 2. Clearwater Region Technical Assistance

ABSTRACT..... 27

OBJECTIVES..... 28

METHODS..... 28

RESULTS..... 28

ISSUES OF NOTE..... 29
Clearwater Elk Initiative..... 29
Bull Trout and Water Quality..... 31
Red River Stream Restoration Project..... 31
Long Gulch Pond..... 31
BPA Sub-Basin Planning..... 32
Dworshak Project..... 32
Highway Projects..... 33
Camas Prairie Railroad Abandonment..... 33
Other Issues..... 33

Subproject II. Job No. 3. Southwest Region Technical Assistance

ABSTRACT..... 35

OBJECTIVES..... 36

METHODS..... 36

RESULTS..... 36

MAJOR PROJECTS..... 37

Subproject II. Job No. 4. Magic Valley Region Technical Assistance

ABSTRACT..... 39

MAJOR PRODUCTS OF INTEREST
- U.S. Forest Service..... 40
- Bureau of Land Management..... 40
- U.S. Fish and Wildlife Service..... 40
- U.S. Army Corps of Engineers..... 40
- Bureau of Reclamation..... 41
- Natural Resources Conservation Service..... 41
- Federal Energy Regulatory Commission..... 41
- Idaho Department of Water Resources..... 41
- Idaho Department Environmental Quality..... 41
- Idaho Department of Lands..... 42
- Idaho Department of Transportation..... 42
- City/County Government and Private Development..... 42
- Idaho Power Company..... 42

Subproject II. Job No. 5. Southeast Region Technical Assistance

ABSTRACT..... 43

OBJECTIVES..... 44

METHODS..... 44

RESULTS..... 44
- Upper Snake River Subbasin Summary..... 44
- Caribou National Forest Plan Amendments..... 45
- Planning and Zoning..... 45
- Bear River Hydro Re-licensing..... 45

Selenium/Phosphate Mining..... 45
Idaho Department of Transportation..... 46
Senate Bill 1284 Implementation..... 46

LIST OF TABLES

TABLE 1..... 47

Subproject II. Job No. 6. Upper Snake Region Technical Assistance

ABSTRACT..... 49

OBJECTIVES..... 50

METHODS..... 50

RESULTS..... 50

MAJOR PROJECTS..... 51

JOB PERFORMANCE REPORT

State of:	Idaho	**Name:**	STATEWIDE TECHNICAL ASSISTANCE
Project:	FW-7-T-7	**Title:**	Statewide Supervision and Coordination
Subproject:	I	**Job No.:**	1

Period Covered: July 1, 2000 to June 30, 2001

ABSTRACT

During the contract period, the Idaho Department of Fish and Game (IDFG) continued consulting with Idaho Power Company (IPC) for the relicensing of hydroelectric facilities on the Snake River. The IDFG developed and submitted 10(j) comments to the Federal Energy Regulatory Commission (FERC) for the Middle Snake projects and the C.J. Strike Project. IDFG staff also participated in IPC relicensing efforts for their three-dam Hells Canyon complex and Malad River projects, PacifiCorp's Bear River projects, and Avista Corporation's Spokane River projects.

In coordination with the Office of the Attorney General, the IDFG has reviewed a number of preliminary applications for permit to develop hydropower on Idaho rivers, streams, and irrigation canals. We have chosen to intervene in many of these proposals since we believe they could prove harmful to fish, wildlife, and riparian resources.

The fishery program coordinator was appointed by the Idaho Department of Lands to serve as the fisheries biologist representative on the Idaho Forest Practices Act Advisory Committee. His term will run through 2003.

Authors:

Scott A. Grunder
Fishery Program Coordinator

Eric Leitzinger
Staff Biologist

OBJECTIVES

To supervise and coordinate IDFG policy and efforts regarding the protection of aquatic habitat.

To provide technical assistance regarding aquatic environments to the executive and legislative branches of state government, to state and federal agencies, and private entities.

METHODS

IDFG personnel review proposals to construct, modify, or relicense hydroelectric facilities in Idaho. Based on scientific information, we recommend measures to the FERC that will protect and restore fish and wildlife habitat, and fish and wildlife-based recreation. In many instances, existing research or management efforts provide the basis for comments provided to the FERC. When data is lacking or outdated, we cooperate with the applicants or licensees to design studies that will assist the FERC in decision-making. During relicensing efforts of existing facilities, IDFG personnel make a long-term commitment to assist the licensee during the lengthy FERC process.

The IDFG has the primary authority to manage all fish and wildlife in Idaho. Idaho Code specifically charges the IDFG to preserve, protect, perpetuate, and manage these resources. We serve as a consulting agency to other state and federal agencies in issues pertaining to potential impacts on fish and wildlife species and habitats. We also assist private landowners in the design and implementation of land and water use practices where they may impact habitats.

The fishery program coordinator assists state office and regional personnel to ensure compliance and consistency with IDFG policy.

RESULTS

Federal Energy Regulatory Commission Matters

During the contract year, the IDFG developed and submitted 10(j) comments to the FERC describing in detail what we believe are necessary conditions to protect and enhance fish and wildlife populations and habitats associated with relicensing IPC's

Middle Snake River (Shoshone Falls, Upper Salmon Falls, Lower Salmon Falls, Bliss) and C.J. Strike hydroelectric projects. The FERC is currently in the process of developing a draft environmental impact statement for these projects.

IPC's collaborative efforts to relicense its three-dam Hells Canyon hydroelectric projects (FERC # 1971) including Brownlee, Oxbow, and Hells Canyon, continued into its sixth year. IDFG staff participated in aquatic, terrestrial, recreation, and collaborative work groups. We continued to review results from studies developed through a collaborative process involving a number of stakeholders including state government, federal government, city and county government, conservation groups, tribes, and private interests. An important outcome of the work groups was to be draft protection, mitigation, and enhancement measures (PM&Es) to assist IPC in crafting its draft license application to the FERC. It appears as though the terrestrial and recreation work groups will successfully develop draft PM&E measures while the aquatic work group will not. IPC is scheduled to have a draft license application to the FERC in 2002.

IDFG staff also continued to work collaboratively with IPC and others in relicensing efforts for the Malad River projects. A technical work group developed a draft set of PM&E measures for aquatic resources that IPC will consider when developing its license application for the FERC.

We continue to work with PacifiCorp in relicensing its Bear River projects in Idaho. The IDFG is reviewing company proposals to enhance riparian habitat, provide fish passage, and restore Bonneville cutthroat trout in the project area.

Avista Corporation began its collaborative efforts to relicense its Spokane River hydroelectric complex. Only the Post Falls Dam is located in Idaho. IDFG personnel will participate in this process. We were involved in the successful settlement agreement reached with Avista in relicensing its Clark Fork River projects.

Due to a supposed energy shortage in the United States, primarily the west, there has been renewed interest in developing hydropower in Idaho. We have seen many preliminary applications for permit submitted to the FERC for developing hydropower on previously-studied sites. Many of these sites have not previously been developed for economic, social, or biological reasons. The IDFG has been coordinating its efforts with the Office of the Attorney General. We have decided to intervene in most of the proposals due to the potential impact on aquatic and terrestrial resources.

Miscellaneous Activities

The new fishery program coordinator started in November 2000, and has spent a significant amount of time learning his new responsibilities. This has involved supervising, budgeting, being a program manager, and coordinating with staff on a statewide basis. A significant challenge has been learning about state agency responsibility and authority dealing with hydropower licensing and relicensing. Other issues that were dealt with during the contract year include: a) reviewing and commenting on the IDFG 2001-2006 Fisheries Management Plan; b) developing an annual work plan for the aquatic habitat section; c) reaching agreement on screening the penstock at Kirby Dam (Middle Fork Boise River) to prevent entraining bull trout; and d) the fishery program coordinator being appointed to a three-year term on the Idaho Forest Practices Act Advisory Committee.

JOB PERFORMANCE REPORT

State of:	**Idaho**	**Name:**	**FISHERY PROGRAM COORDINATION**
Project:	**FW-7-T-7**	**Title:**	**Water Quantity Investigations**
Subproject:	**I**	**Job No.:**	**2**

Period Covered: **July 1, 2000 to June 30, 2001**

ABSTRACT

During the project period, I participated in ongoing negotiations with state, federal, private, and tribal representatives to resolve ESA concerns in the Lemhi River Basin. A new water rental bank was created to address instream flow concerns in the basin. I also represented the Idaho Department of Fish and Game (Department) in continuing negotiations over Federal Reserve water rights in the Snake River Basin Adjudication. Objections to amended claims in the Hagerman Valley were resolved in early 2001. Additionally, a number of Department water right claims in basins 21, 36, 65, and 72 were decreed in 2000 and 2001. Objections to Department claims in basin 35 are still pending action by the Department of Water Resources.

Several instream flow water right applications filed by the Idaho Water Resource Board in the 1990s are still pending action.

Author:

Cindy Robertson
Fishery Staff Biologist

OBJECTIVES

Continue to prepare and support recommendations for instream flow water rights for selected streams statewide; to be active in the Instream Flow Council as the Department representative; to coordinate the Department participation in the Snake River Basin Adjudication (SRBA); to provide Department comments on water quantity/quality issues that may impact fish, wildlife, and aquatic habitat.

RESULTS

INSTREAM FLOW PROGRAM

Lemhi River

Staff from the Attorney General's Office (AGO), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), the Upper Salmon Basin Watershed Project, Idaho Department of Water Resources (IDWR), local water user groups, the Governor's Office, and the Department participated in negotiations to set an instream flow to protect endangered chinook salmon migrating through and rearing in the Lemhi River below Hayden Creek. During drought periods, river flows are sufficiently low during the irrigation season that diversions can dry up the channel. Legislation was passed in 2001 to create a natural flow water bank to lease water for an instream flow of 35 cfs. The flow will allow passage of adult and juvenile chinook salmon during the low flow period, thereby avoiding a "take" and still allow continued diversion for irrigation. The Lemhi water bank is the first to allow the change of diversionary rights to an instream use. It is also the first time the State has allowed water to be delivered to an unperfected instream flow water right application. All other instream flow rights were required to go through a lengthy public information and hearing process and receive the approval of IDWR and the state Legislature before they became valid.

The instream flow right is part of a larger conservation agreement (Appendix 1) implemented among the above parties to minimize the "take" of listed salmon, bulltrout and steelhead in the Lemhi River. Efforts leading to the appropriate Endangered Species Act (ESA) authorization of incidental take continued in 2001. The agreement is organized around three implementation tiers. Tier I includes past actions that have been taken to conserve species in the Lemhi. Tier II lists actions that will be undertaken in 2001, and Tier III identifies actions to further improve flow and habitat conditions in 2002 and establish a long-term plan.

Northern Idaho Rivers, Billingsley Creek, and Teton River

No action was taken on the instream flow applications for the North Fork Clearwater, Little North Fork Clearwater rivers or Kelly, Cayuse, and Billingsley creeks during the project period. Public information meetings and formal hearings may be scheduled in late 2001 or early 2002. I was scheduled to collect additional flow/habitat information on the Teton River in 2000, but due to my participation in the Forest Practices Act timber sale audits, I was unable collect the data in 2001.

Lake Pend Oreille Tributary Flow Study

As reported in Reid et al., 2000, data were collected by a fisheries research biologist to document available flows in selected bull trout streams in the Lake Pend Oreille drainage during the project period. The study results will be used to recommend that the Idaho Water Resource Board apply for instream flow water rights on these streams in the future.

Instream Flow Council

I was active in the Instream Flow Council in 2000-2001. I chaired the western regional meeting in LaConner, WA in July 2001 where representatives from fish and game agencies in eight states and several other groups participated in discussions about current instream flow issues. I also prepared an article for publication in the journal *Rivers*. The article in which I reviewed instream flow websites from a number of state and federal agencies was published in the Fall 2000 issue.

SNAKE RIVER BASIN ADJUDICATION

Department Water Rights

I continued to coordinate the Department participation in the Snake River Basin Adjudication (SRBA) during the project period. I reviewed proposed water right decrees

for basins 21, 36, 51, 65, and 72 with regional staff, Idaho Department of Water Resources (IDWR), and the AGO. Department rights in basins 21 and 36 were decreed without objections. Other parties, notably the Bureau of Land Management and the Bureau of Reclamation, objected to some of our claims in basins 35 and 72 because of inaccurate descriptions of place of use or point of diversion. All these objections have been resolved and the rights have been decreed. The water rights in basin 51 were decreed following a negotiated settlement with the South Side Canal Company and the J.R. Simplot Company. Several rights in basin 65 were dropped because we had discontinued use of the water and didn't anticipate resuming use in the future.

Objection filed by the North Side and Twin Falls Canal companies to our Department claims in basin 35 have yet to be resolved. New water management rules have been promulgated that specify when and how mitigation for impacts on senior surface right holders by junior groundwater pumpers will be required. IDWR will include language in the General Provisions specifying that the waters of basin 35 will be conjunctively managed with Snake River water. These new rules will apply to users in the event of a water call. We anticipate the provisions will settle the objections to our claims and allow them to be decreed in late 2001.

Hagerman Valley Water Rights

All of the Hagerman Valley water right cases were settled by July 2001. The State of Idaho (State) and groundwater users had filed objections to these cases in 1999 when the claimants amended them to include year-round irrigation system maintenance, increased flow rates and irrigated acres, and additional wildlife uses. If the amended claims had been decreed as proposed, flows in Billingsley Creek could be substantially reduced to the detriment of fish and wildlife resources.

Federal Reserve Water Rights

I participated on the State's technical team in the SRBA Court mandated mediation discussions with the Nez Perce Tribe (Tribe). National Marine Fisheries Service (NMFS) also entered the mediation on behalf of the Tribe in 2000. I attended meetings to discuss instream flow needs, forest management issues relative to the Idaho Forest Practices Act (FPA), and other habitat-related issues with biologists from the Tribe and NMFS. Progress towards settlement has been made but a number of issues remain to be resolved. For example, NMFS and the Tribe would like to see the FPA strengthened to resemble the PACFISH guidelines utilized on national forest lands. The State maintains the FPA is sufficient as is to protect fish habitat and water quality. The State is working to

negotiate a settlement with NMFS and the Tribe that would address concerns for improving habitat for anadromous and resident fish species on state and private lands and provide the State and private individuals protection from enforcement actions under the Endangered Species Act (ESA). Negotiations are continuing through 2001.

WATER QUALITY INVESTIGATIONS

Forest Practices Act

I represented the Department on the 2000 statewide FPA Audits. I participated in five days of planning meetings and six weeks of field audits on state, federal, private industrial and nonindustrial timber sales around the State. The audit team was composed of Idaho Department of Environmental Quality (IDEQ), Idaho Department of Lands (IDL), U.S. Forest Service, and timber industry representatives. We collected quantitative data on canopy closure, sediment particle size distribution, and various channel parameters on streams within the boundaries of all 40 sales we audited. In addition, qualitative data were collected on roads and skid trails within the sale boundaries using the Cumulative Watershed Effects model protocol. DEQ and IDL staff analyzed the data and all team members reviewed and commented on possible FPA rule changes resulting from the audit findings. The final report (DEQ, 2001) contains recommendations for changes in rules governing management practice compliance and effectiveness.

LITERATURE CITED

Idaho Department of Environmental Quality. 2001. Idaho's 2000 Forest Practices Water Quality Audit, Final Report. Boise, ID.

Reid, W., Robertson, C., Beucler, M., Corsi, C., Servheen, G., Grunder, S., Parrish, D., Hansen, H., and Martin, R. 2000. Statewide Technical Assistance, Job Performance Report, Project FW-7-R-6, Idaho Department of Fish and Game, Boise, ID.

APPENDIX 1

2001 CONSERVATION AGREEMENT IN THE LEMHI RIVER BASIN

SIGNATORIES

Idaho Office of Species Conservation
Idaho Department of Water Resources
Idaho Department of Fish and Game
Upper Salmon Basin Watershed Project
Lemhi Irrigation District
Water District 74
National Marine Fisheries Service
U.S. Fish and Wildlife Service

INTRODUCTION

The National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (Service) and various Idaho parties have been working to agree on and implement long-term conservation actions needed to minimize the "take" of Endangered Species Act (ESA) listed salmon, bulltrout and steelhead in the Lemhi River. Efforts leading to the appropriate ESA authorization of incidental take continue. Given the forecasted drought year conditions in 2001 and the absence of a long-term agreement, the parties have settled on interim flows and other actions that demonstrate both commitment and good faith progress toward reaching the long-term objectives. This agreement is organized around three implementation tiers. Tier I includes past actions taken to conserve species in the Lemhi River Basin. Tier II lists actions that will be taken in 2001. Tier III identifies actions to further improve flow and habitat conditions in 2002 and establish a long-term plan.

AGREEMENT

I. Tier 1: Measures That Have Been Completed To Date

A. In the mainstem Lemhi River, the Upper Salmon Basin Watershed Project ("Project"), the Idaho Department of Fish and Game ("IDFG"), and cooperating water users have eliminated 17 diversions through consolidation. In the Hayden Creek tributary, these groups have eliminated 3 diversions through consolidation.

B. Using IDFG's fish screen development shop and NMFS's screening criteria for the last decade, the Project and IDFG have installed new screens or replaced outdated screens for 65 diversions in the mainstem Lemhi River, 7 diversions in Big Springs Creek tributary, and 12 diversions in Hayden Creek tributary. Additionally, the Project and IDFG have installed new screens on 21 pumps in the Lemhi River Basin.

C. Throughout the Lemhi River Basin, the Project and IDFG have eliminated 19 push-up dams and improved 4 others to allow fish passage.

D. The Project has installed over 30 miles of fence in the Lemhi River Basin, for two types of projects: (1) riparian grazing systems, which seasonally protect spawning and rearing habitat, and (2) corridor fencing, which provides year-around protection for riparian habitat.

E. The Project and IDFG have developed passage and rearing habitat for use by resident and anadromous fish by reconnecting Canyon Creek and Pattee Creek tributaries to the Lemhi River and improving access to Agency Creek tributary.

F. Idaho Department of Environmental Quality ("IDEQ") has developed Total Maximum Daily Loads ("TMDLs") for the Lemhi River Basin.

G. In June 2000, the Project, IDFG, Idaho Department of Water Resources ("IDWR"), Lemhi Irrigation District and Water District 74 signed a Memorandum of Understanding ("MOU") to provide water flows for passage of anadromous fish in the Lemhi River between the L-6 diversion and the confluence with the Salmon River. Throughout the 2000 irrigation season, the MOU promised to provide for an instream flow of 10 cubic feet per second ("cfs") to aid downstream migration of juvenile fish as well as "fish flushes" of 35 cfs to aid upstream migration of adult fish. The MOU further directed IDFG to carefully monitor water flows and fish movement to determine when water flushes are needed for fish passage in the lower reaches of the Lemhi River. Finally, the MOU embodied a commitment of the Lemhi water users and state resource agencies to establish a long-term agreement to address fish flow management.

II. Tier 2: Habitat Measures For 2001 and 2002

A. Enhance Instream Flow in the Lemhi River and Hayden Creek

1. Throughout the 2001 irrigation season, the non-Federal parties will provide rental water pursuant to Idaho Code § 42-1765A to maintain an instantaneous 20 cfs flow in the Lemhi River from the mouth to one mile below the Leadore Bridge and will maintain an instantaneous flow of 8 cfs in Hayden Creek. The parties recognize that some fluctuation in flows may occur due to daily management and thus the 20 cfs and 8 cfs figures represent daily averages; however, the parties will avoid such fluctuations below 18 cfs in the Lemhi River or 6 cfs in Hayden Creek.
2. The parties will establish a water rental bank through the Idaho Water Resources Board. The purpose of the water bank will be to accept on a short or long-term basis leases of natural flow water rights to augment the flow of the Lemhi River and its tributaries. Any rental of water rights will be on a willing lessor basis under state laws and water bank rules.
3. Water District 74 will implement a Spring 2001 turn-on agreement to prevent dewatering when Lemhi water users begin diversions.
4. IDWR and Water District 74 will regulate water diversions during the irrigation season to maintain fish passage flows.
5. The parties will seek funding in 2001 to accomplish the following measures by the 2002 irrigation season:
   a. Implement water saving mechanisms in the mainstem Lemhi River below L7, such as conversions from gravity to sprinkler irrigation

systems and from surface to groundwater diversion systems, in a manner that will not negatively impact Lemhi River return flows.

b. Change points of diversion for approximately 16.5 cfs from the lower Lemhi River to S-14 diversion on the Salmon River, allowing the previously diverted Lemhi River flow to satisfy the instream flow created by Idaho Code § 42-1506.

c. Hire a ditch manager on the Town (L7) and Andrews and Slough (L6) Canals to negotiate water rotation agreements for the purpose of leasing additional fish passage water flow at L6 and L7.

d. Reprogram the L6 and L7 diversion control structures to ensure proper spill of passage flow through fishways.

B. Other Enhancement Measures

1. The parties will identify irrigation ditches where the fish screen is a significant distance below the headworks, causing a risk that fish can be stranded when water to the ditches is suddenly shut off.

2. The parties will assess each ditch identified above to determine whether (1) the diversion system will be redesigned; or (2) ramp down procedures will be implemented (i.e. gradually shut off water to ditch, leaving a survival flow determined by screen bypass size; if fish are still present after 1 week, IDFG will implement a fish salvage operation). The parties will remedy the stranding problem at the HC 11 ditch in 2001 and will remedy any other identified problem ditches by the 2002 irrigation season.

3. IDFG will screen the one remaining unscreened diversion on the East Fork Hayden Creek if NMFS and Service permitting is provided.

4. The parties will investigate re-creating a more natural stream morphology in the Lemhi River between the L3A and L6 diversions.

5. The parties will seek funding and begin planning in 2001 to accomplish the following measures by the 2002 irrigation season:

   a. IDFG will replace screen on L43C and will identify and design appropriate diversion structure for L13 and L35A.

   b. IDFG will update the diversion on LBSC 1.

   c. The parties will develop and construct alternatives to push-up dams.

C. Planning and Monitoring

1. The parties will implement the 2001 Monitoring Plan, attached hereto.

2. The parties will ensure that all instream structures, such as diversions, road crossings, berms and dams will be designed, constructed and operated so that they are passable by upstream and downstream migrating fish, and screens will be installed, all consistent with the following NMFS criteria:

   a. Artificial structures will include passage notches, flumes, ladders, or bypasses with individual steps not less than 3 feet in length, 1 foot in depth, 1½ foot in width, and a vertical fall not more than 1 foot in height; water velocities should not exceed 8 feet/second;

   b. Fishways will be located in or near the thalweg (deepest and primary portion of streamflow) and should include approach and exit water depths of 1 foot or more;

c. Berms and dams will generally be the lowest in height and shortest in span to reasonably divert the amount of water claimed at that point;

d. The frequency, duration, and amount of instream construction and maintenance work will generally be minimized to reduce streambed disturbance;

e. Diversions and intakes will be screened to current NMFS criteria;

f. At all times during diversion, juvenile bypass pipes will remain open and flowing to NMFS criteria by engineered design; and

g. Bypass outfalls will not exceed 1 foot in height or fall into less than 0.8 foot of water.

D. The parties will implement a dispute resolution process. This requirement shall be satisfied when, upon notification that a dispute exists, representatives from each party meet promptly and attempt to resolve the dispute.

III. Tier 3: Long Term Conservation Agreement

A. The parties commit to participate in the negotiation of a long-term agreement for the conservation of ESA-listed fish species in the Lemhi River Basin prior to December 31, 2002, consistent with the framework set forth below. Measures included in Tier 3 may be completed prior to negotiation of a long-term agreement, should the opportunity arise. The long-term agreement is intended to establish a process for voluntary compliance with the ESA, resulting in appropriate incidental take authorization. Such agreement will address, but not be limited to, the following subjects:

1. Enhancing Instream Flows

a. Through the water bank and other mechanisms, the parties will seek to provide sufficient water for flows for appropriate life stages in the Lemhi River Basin.

b. The parties will identify and implement projects to improve migration, restore connectivity and increase spawning and rearing habitat in the Lemhi River Basin. The projects may include the following:

(1) Installation and renovation of fish screens;

(2) Construction or replacement of diversion works;

(3) Consolidation of diversion works that will enhance flows through stretches of streams that are prone to dewatering or flows insufficient for fish passage;

(4) Elimination or modification of upstream and downstream passage obstacles;

(5) Conservation easements to reduce water usage, reduce fish loss to diversion, enhance riparian or flood plain values or other purposes; funding will only be used for those projects that will not result in a reduction of the summer flows of the Lemhi River;

(6) Negotiation of water sharing and conservation agreements;
(7) Seeking legislation to encourage more efficient water diversion practices where such practices will enhance the flow of the Lemhi River.

2. Other Enhancement Measures
   a. Restore/enhance riparian vegetation.
   b. Install riparian fencing and/or special grazing systems for critical riparian habitat.
   c. Utilize water gaps or off-stream watering to distribute livestock use.
   d. Identify and replace the headgates and diversion structures as needed.
   e. Pursue implementation of TMDLs with Idaho Soil Conservation Commission, IDEQ, and other responsible agencies.
   f. Investigate projects to reestablish more natural stream morphology, such as: connecting streams to their floodplains; re-opening previously closed flood channels; and allowing natural stream-shaping functions to occur where practicable.
3. Planning and Monitoring
   a. Monitor instream passage effectiveness, including whether negotiated flow targets and habitat improvement measures are achieved.
   b. Continue ongoing watershed planning.
   c. Provide funding for adult passage monitoring (perhaps with new technology) in lower Lemhi River.
   d. Insure water rights are being diverted in accordance with the Lemhi Decree.
   e. Sampling regimes and monitoring stations will be designed and maintained to research and validate flow, habitat, and fish survival relationships and the success of protection measures.

B. The parties will conduct the following analysis to the extent necessary to support development of the long-term agreement:
   1. Hydrological analysis (water quantity and quality, water use, data gaps).
   2. Fish habitat assessment.
   3. Fish passage barrier assessment.
   4. Fish screen and passage assessment.
   5. Instream flow requirements.
   6. Identify and prioritize critical low water areas related to water diversion.
   7. Fish population response.

C. The parties will develop the following processes to the extent necessary to support development of the long-term agreement:
   1. Schedule and work plan for Lemhi River Basin planning.
   2. Composition and procedures of committee that develops the agreement/plan and technical groups.
   3. Process to allow participation by interest groups.
   4. Dispute resolution mechanisms.

IV. **PROSECUTORIAL DISCRETION.** It is the responsibility of the Service, and the National Oceanic and Atmospheric Administration ("NOAA") and NMFS to investigate and take appropriate enforcement action with respect to potential violations of the ESA. Based on the commitments described in this memorandum, including the parties' commitment to secure appropriate authorization for incidental take of ESA-listed species, enforcement action is not the preferred course in this instance. However, if water use or any other activity intended to be covered by this memorandum results in a potential "take" of listed species, the Service and NMFS will investigate and document the apparent violation.

The Service and NOAA and NMFS will exercise their enforcement discretion relative to initiating prosecution in 2001 if measures identified in Tier 2 are implemented as discussed in this memorandum. This exercise of enforcement discretion will apply only to the diversion activities of water users exercising otherwise lawful rights within the boundaries of the Lemhi Water District 74, and shall not apply to any intentional "take" of ESA-listed species.

SIGNATURES

Idaho Office of Species Conservation

Lemhi Irrigation District

Idaho Department of Water Resources

Water District 74

Idaho Department of Fish and Game

National Marine Fisheries Service

Upper Salmon Basin Watershed Project

U.S. Fish and Wildlife Service

Date of last signature: 7/18/01

2001 Lemhi River Monitoring Plan

Purpose: Monitor the implementation and effectiveness of proposed flows to provide passage for adult and juvenile chinook salmon. Sampling regimes and monitoring stations will be designed and maintained to research and validate flow, habitat, and fish passage relationships and the efficacy of existing and proposed protection measures. Information gathered will help ongoing watershed planning efforts.

Implementation Monitoring—to determine how frequently flow targets are achieved. Responsibility for this phase of monitoring belongs to IDWR, Water District 74, BOR, IDFG, NMFS, and the Model Watershed Project (MWP) staff. Responsible parties in parentheses.

1. Determine if proposed flow targets are met. Data from existing gages (L-1, L-5, and near Lemhi) will be checked on a regular basis. Additional instantaneous water measurements will be made at critical passage locations when juvenile and adult chinook are migrating (IDWR, WD 74, BOR, MWP, IDFG, NMFS).
2. Determine if diversion structures constructed by IDFG meet NMFS passage criteria for adult chinook salmon (IDFG).
3. Determine if diversion structures constructed by parties other than IDFG meet NMFS passage criteria for adult chinook salmon (NMFS).
4. Determine if screens constructed by IDFG meet NMFS bypass criteria for juvenile chinook salmon (IDFG).
5. Develop and implement appropriate ramp down procedures to reduce stranding of juvenile chinook in irrigation ditches as flow are reduced or shut off. Obtain NMFS authorization to conduct "salvage" of fish (IDFG, NMFS).
6. Replace/modify/ install new screens at locations identified in the Conservation Agreement. Obtain NMFS authorization (IDFG, NMFS).

Effectiveness Monitoring—to determine if fish are able to migrate past critical passage barriers at the proposed flows. Responsibility for this phase of the monitoring plan belongs to IDFG, NMFS, and MWP, as noted in parentheses.

<u>Staging Monitoring</u>—determine where fish are holding and how long they stage prior to migration.

Data collection:

1. Monitor PIT tag data from Lower Granite Dam to determine approximate timing of the chinook run into the Lemhi River (IDFG).
2. Snorkeling and underwater videography will be used after spring runoff/high flows to determine the presence of migrating adult chinook. Snorkeling will be conducted

once per week and as needed as flows drop below 35 cfs during the migration season (IDFG).

Fish Movement Monitoring—to determine if adult fish are moving past critical diversions and riffles at proposed flows.

Data collection:

1. Underwater video camera at the L-6 diversion (IDFG).
2. Direct visual methods—
   a. Snorkeling—as noted above and in response to rising or falling river levels to determine influence of the hydrograph on fish movement. Monitoring should occur above and below potential barriers (e.g. diversion structures and shallow riffles) throughout the river (IDFG).
   b. Continue annual redd counts (IDFG).
   c. Conduct carcass surveys (IDFG, NMFS, MWP).
   d. Monitor irrigation diversions for fish stranding problems and coordinate with NMFS if fish salvage is necessary (IDFG, MWP, NMFS).

Physical Habitat Monitoring

1. Collect data on site depth, width and length, measure water velocity, and estimate discharge at each snorkeling site, diversion structure, and critical riffle whenever snorkeling occurs (IDFG, NMFS).
2. Site location should be documented using GPS for future monitoring purposes (IDFG, NMFS).

Temperature/DO Monitoring

1. Review existing Forest Service temperature data for locations, frequency, and trends of data collection. Coordinate with Forest Service on data collection in 2001. Collect additional temperature data at NMFS 2000 sites (site 640, L-5 gage, and below Hayden Creek) and L-1 and Lemhi gage. Use HOBO recorders or similar temperature recording devices. Follow DEQ monitoring protocol for placement and retrieval of temperature monitoring devices (IDFG).
2. Collect periodic instantaneous dissolved oxygen measurements at all temperature-monitoring sites (IDFG).
3. Collect periodic instantaneous discharge measurements at all temperature monitoring sites (IDFG).

Idaho Department of Fish and Game and the Office of Species Conservation will provide approximately $25,000 to fund a Fishery Research Technician to collect and analyze the fish and habitat data proposed in this plan. Fish and Game will be responsible for coordinating data collection activities with the other responsible entities identified in this plan and reporting the results of the data collection and analysis at the end of the field season. Reports will be made available to interested parties

JOB PERFORMANCE REPORT

State of:	Idaho	**Name:**	STATEWIDE COORDINATION AND SUPERVISION
Project:	FW-7-T-7	**Title:**	Statewide Responsive Management
Subproject:	I	**Job No.:**	3

Period Covered: July 1, 2000 to June 30, 2001

ABSTRACT

During the project period, I participated in Federal Energy Regulatory Commission (FERC) relicensing efforts by Idaho Power Company (IPC) to ensure that hunter, angler, and wildlife viewer interests were represented. I coordinated training for 22 IDFG staff in Comprehensive Management Systems. I participated in the Western Association of Fish and Wildlife Agencies' Human Dimensions Committee to develop a regional project proposal. I developed a question regarding nongame program funding for the Idaho Public Policy Survey. I collected and circulated human dimensions information, processed information requests, and provided technical services to IDFG staff.

Author:

Michele Beucler
Wildlife Mitigation Specialist

OBJECTIVES

To represent the interests of hunters, anglers, and wildlife viewers in Idaho Power Company's (IPC) FERC relicensing efforts for Hells Canyon Complex (Brownlee, Oxbow, and Hells Canyon dams), C.J. Strike, and Malads.

To conduct a survey of all Idaho Department of Fish and Game (IDFG) employees to help determine how Conservation and Reinvestment Act (CARA) funding should be allocated and to gauge internal support for the cultural changes CARA may bring to the agency.

To provide information and technical assistance to staff members regarding surveys, public involvement strategies, and other human dimensions projects.

METHODS

To protect hunter, angler, and wildlife viewers' interests in FERC relicensing of Hells Canyon Complex operations, I participated in the Recreation/Aesthetics Technical Resource Working Group as part of IPC's "collaborative process." I coordinated with the IDFG FERC coordinator and others who represent IDFG in this process. Protection, mitigation, and enhancement measures (PM&Es) for C.J. Strike and Malads projects were handled by other IDFG staff.

The employee survey to determine how CARA funding could be allocated was put on hold indefinitely.

I worked with the Organization of Wildlife Planners to bring their Comprehensive Management Systems workshop to IDFG.

I coordinated with the Nongame Manager to develop a question about allocating general funds for nongame programs to be included in the annual Boise State University Idaho Public Policy Survey.

I tracked the Western Association of Fish and Wildlife Agencies' (WAFWA) Regional Human Dimensions Pilot Project via the WAFWA Human Dimensions Committee.

I collected new information on human dimensions through personal contacts, information requests, and reviewing literature. I subscribed to a peer-reviewed journal and three listserves relating to human dimensions of fish and wildlife management. Finally, I called on the Organization of Wildlife Planners network several times for information.

I disseminated information by responding to verbal and written requests and circulating pertinent information to appropriate people.

I provided technical services, such as reviewing questionnaires, upon request and/or when needed.

RESULTS

Results from several recreational studies conducted by IPC and contractors were presented to the Recreation/Aesthetics Technical Working Group (Recreation WG) during this period. Research summaries included past use of the projects, general use surveys, flow fluctuation analysis, Hells Canyon National Recreation Area social survey, site conditions study, and use and user trends.

The Recreation WG continued to develop impact statements, vision statements, and desired future conditions. We then developed guidelines for PM&Es, and have brainstormed and evaluated draft PM&Es over a period of several months. The group visited the project area several times to brainstorm and discuss site potential for various PM&Es. The Recreation WG also held several joint meetings and tours with the Terrestrial and Cultural Resource Working Groups to discuss and work through potential conflicts.

As of July 2001, I am no longer involved in the Hells Canyon relicensing process; the Recreation WG responsibility has been passed to IDFG Enforcement staff, who will coordinate with the FERC coordinator.

Twenty-two IDFG staffers and eight individuals from New York, Indiana, Vermont, and Utah took the three-day Comprehensive Management Systems workshop in early April in Boise. We learned about the four principles: inventory, strategic planning, operational planning, and evaluation. The timing was ideal for IDFG as we are entering into a strategic planning process that will eventually tie into our newly-implemented activity-based costing system.

Results of Boise State University's 12th Annual Idaho Public Policy Survey indicated that more than one-half (58%) of Idahoans supported the use of existing general State dollars to fund the Nongame Wildlife Program. Thirty-two percent (32%) were opposed. In a regional comparison, only the Upper Snake Region was close to 50-50 support-oppose while all other regions reflected the statewide result.

I reviewed and commented on several drafts of WAFWA's proposal for regionally-collaborative, long-term human dimensions research. IDFG leadership has decided to participate in the Pilot Project, and so we have been developing questions for the state-specific portion of the survey.

OBJECTIVES FOR THE NEXT PROJECT PERIOD

Coordinate, and conduct when necessary, public and employee surveys necessary for IDFG's comprehensive planning process.

Coordinate the WAFWA Human Dimensions Pilot Project.

Provide technical assistance to IDFG employees for public opinion surveys, focus groups, and other public involvement techniques.

JOB PERFORMANCE REPORT

State of:	**Idaho**	**Name:**	**STATEWIDE TECHNICAL ASSISTANCE**
Project:	**FW-7-T-7**	**Title:**	**Panhandle Region Technical Assistance**
Subproject:	**II**	**Job No.:**	**1**

Period Covered: **July 1, 2000 to June 30, 2001**

ABSTRACT

The Environmental Staff Biologist for the Panhandle Region of the Idaho Department of Fish and Game provided technical assistance on over 500 occasions during the reporting period.

Author:

Ray Hennekey
Environmental Staff Biologist

Table 1. Summary of technical assistance provided by the Panhandle Region Environmental Staff Biologist for July 1, 2000 to June 30, 2001.

Agency or Group	Number of written responses, meetings, or site visits
U.S. Forest Service	37
Bureau of Land Management	1
Environmental Protection Agency	2
U.S. Fish and Wildlife Service	18
U.S. Corps of Engineers	27
Natural Resources Conservation Service	4
Bonneville Power Admin/Columbia Fish & Wildlife Authority	12
Federal Energy Regulatory Commission/Hydro industry	29
FEMA/BDS	3
Tribes	6
Idaho Department of Lands	62
Timber	4
Lakes	9
Mining	1
Idaho Department of Water Resources	77
Idaho Transportation Department	44
Idaho Department of Environmental Quality	23
Idaho Department of Parks and Recreation	3
Coeur d'Alene Basin Interagency	9
City/County	53
Developers	9
Timber industry	6
Other industry groups	3
Scenic Byway Committee	2
Landowners/Individuals	46
Rural Development Councils	1
Media	2
Universities	2
Sportsman/School/Conservation	19
Other States/Provinces	1
In-house	16
Miscellaneous	8
TOTAL	**539**

JOB PERFORMANCE REPORT

State of:	Idaho	**Name:**	STATEWIDE TECHNICAL ASSISTANCE
Project:	FW-7-T-7	**Title:**	Clearwater Region Technical Assistance
Subproject:	II	**Job No.:**	2

Period Covered: July 1, 2000 to June 30, 2001

ABSTRACT

During the 2000-01 project year, comments and technical input were provided on proposals, issues, and developments that might affect fish and wildlife resources in the Clearwater Region. The primary projects were: work under the umbrella of the Clearwater Elk Initiative; work on Clearwater, Salmon, Lower Snake, and Palouse sub-basin planning and project developments; the initiation of a wildlife/nongame database; a cooperative effort with Idaho Transportation Department (ITD) and Idaho Department of Lands (IDL) to develop a wetland and fishing pond; the Camas Prairie Railroad abandonment/stream restoration effort; the Red River restoration project; and the Dworshak project. Programmatic efforts continued with input and site visits to Idaho Department of Water Resources (IDWR) stream alteration proposals and dredging permits; ITD highway projects; IDL timber sales and other land management activities; county and community development issues; and assisting with fisheries and wildlife monitoring and public meetings.

Authors:

Gregg Servheen and Jerome Hansen
Environmental Staff Biologists

OBJECTIVES

1. Provide technical assistance and information on fish and wildlife issues to state and federal agencies and other entities.

2. Coordinate Idaho Department of Fish and Game (IDFG) input on potential impacts of proposed developments to fish and wildlife resources, including input on the adequacy of mitigation measures.

3. Provide written responses and documentation on IDFG positions and policy related to fish and wildlife issues.

4. Provide internal input and comment on how IDFG policies, rules, regulations, and positions will affect other natural resource management agencies and private elements.

5. Support IDFG fish and wildlife management efforts by participating in fish and wildlife surveys, enforcement, and interdisciplinary teams.

METHODS

Letter and document review, meetings, personal e-mail, and phone contacts; written responses; literature review, data summaries, and field inspections were used to provide fish and wildlife input and internal coordination.

RESULTS

During the 2000-01 fiscal year, the Environmental Staff Biologist (ESB) position in the Clearwater Region was vacant for approximately three months. Nonetheless, input was provided on a number of project proposals during the project year.

The established and consistent program direction in the region has reduced the need for excessive formal and detailed responses in some programs. The use of email to provide technical assistance has replaced more formal written letters in some cases. The increased number of listed species in the region has shifted fish and wildlife management authority towards the federal Endangered Species Act and formal consultation through the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service agencies. Individual technical assistance comments are also being replaced by increased participation in larger more programmatic coordination and technical assistance programs like the Clearwater Elk Initiative and watershed assessments and projects.

Primary Contacts for Technical Assistance

Federal	State	Other
U.S. Forest Service	Idaho Department of Lands	Nez Perce Tribe
U.S. Bureau of Land Management	Idaho Department of Water Resources	Latah County
National Marine Fisheries Service	Idaho Department of Environ. Quality	Nez Perce Co.
U.S. Army Corps of Engineers	Idaho Soil Conservation Commission	Clearwater Econ.
U.S. Fish and Wildlife Service	Idaho Transportation Department	Devel. Assoc.
Natural Resource Conserv. Serv.	Office of Species Conservation	Private Consult.
Northwest Power Planning Council		
Bonneville Power Administration		

ISSUES OF NOTE

Clearwater Elk Initiative

The IDFG is a cooperator with the Clearwater and Nez Perce national forests, the IDL, Potlatch Corporation, and the U.S. Army Corps. of Engineers (USACE), Rocky Mountain Elk Foundation, University of Idaho, Bureau of Land Management (BLM), and Sportsmen in the Clearwater Elk Initiative. The Initiative has focused on three primary efforts. These include small-scale prescribed fire projects, a large-scale National Environmental Policy Act (NEPA) effort to select and treat vegetation for improving elk habitats on the North Fork of the Clearwater River, and a programmatic change in fire suppression on approximately 500,00 acres in the North Fork of the Clearwater River.

The Meadow Face Stewardship Pilot Project area encompasses 27,000 acres within the South Fork Clearwater River in Idaho County, Idaho. The Forest Service completed a draft assessment of conditions within the project area in October of 1999. The Stewards of the Nez Perce Forest (Stewards), a diverse collaborative group, developed proposed activities for the area that respond to ecological and social conditions which need attention. Projects proposed by the group include road repair and decommissioning, recreation facility improvement, vegetation management with timber harvest and fire, and wildlife and fisheries habitat improvements. The preferred alternative identified in the Meadow Face Stewardship Pilot Project Draft Environmental Impact Statement (DEIS) reflected recommendations of the Stewards almost verbatim.

Throughout development of the Meadow Face Project recommendations, Stewards membership included four local timber companies, the Concerned Sportsmen of Idaho, the Nez Perce Tribe (NPT), Grangeville Chamber of Commerce, IDFG, Labor and Woodworker Unions, the Idaho Conservation League, and local citizens. This diverse group worked hard and successfully for over two years to achieve common ground and consensus-based resource recommendations.

Upon release of the DEIS, a local group of citizens who were concerned about issues such as private property rights, road closures and obliterations, and overall constitutional issues, joined

the Stewards. These groups quickly achieved voting status and changed the charter of the Stewards from a consensus-based approach to Roberts Rules of Orders (straight majority rules). Although the Meadow Face management direction appears to be set, this group's approach threatens the continued existence of a Stewardship Program based on diverse, collaborative participation.

In the past, the IDFG filed as an interested party in the appeals of the North Lochsa Face Project because of its potential to benefit elk habitats, elk vulnerability, and watershed condition. This is another large-scale project in the Lochsa watershed. This EIS was appealed in its two decisions: vegetative management and access management. The access management appeal was dismissed and this plan will be implemented. The IDFG was a member of the collaborative group that developed the plan. The vegetative management decision was remanded back to the forest for adjustment based on watershed analysis conclusions. The associated 12,000 acres of prescribed fire within this decision will be deferred until the proposal can be successfully upheld.

The DEIS for the Middle-Black project, a large-scale effort to improve elk and other wildlife habitats within the larger North Fork Clearwater BHROWS project, is due out during the fall of 2001. The project will focus on habitat treatments through burning and helicopter logging in summer and winter elk habitats. None of the alternatives propose the size of vegetation treatments needed to make significant strides toward habitat changes, due in part to watershed analysis that indicate larger treatments will damage watershed integrity and water quality.

The Clearwater National Forest (CNF) has recently been declared an "Endangered Forest" by a consortium of environmental groups, in an effort to draw national attention to any future proposed timber harvest on forest lands. Some local environmental groups have openly taken positions against any future timber harvest on the CNF. Past appeals and threats of future appeals have also affected the ability of the CNF to utilize timber harvest as a tool to improve wildlife habitats and have also affected our abilities to achieve collaborative management approaches on the forest that all stakeholders can support.

Use of prescribed fire and wild fire for resource benefit will continue to come under careful public scrutiny, due to watershed issues and to a culture that continues to perpetuate fires as catastrophic events with no benefits. This will be a continuing obstacle as we look for elk habitat improvements through large-scale vegetation treatments and programmatic changes in fire suppression.

Bull Trout and Water Quality

Since the six bull trout assessments were completed, bull trout conservation efforts under the state of Idaho plan have slowed. Emphasis has switched to the USFWS efforts to develop a bull trout recovery plan across the range of the listed species. Clearwater Region personnel are assisting the USFWS in this effort to ensure that recovery goals are reasonable and that information is accurate and up-to-date.

Clearwater Region personnel are also participating in the Clearwater Basin Advisory Group (BAG), the South Fork Clearwater River Watershed Advisory Group (WAG), and the Tammany Creek WAG.

Red River Stream Restoration Project

This project is part of the Northwest Power Planning Council's Columbia Basin Fish and Wildlife Program. This is one of Bonneville Power Administration's (BPA) efforts at off-site mitigation for damage to salmon and steelhead runs and wildlife mitigation for construction and operation of federal hydroelectric dams on the Columbia River and its tributaries. This is the eighth year of restoration efforts. The overall goal of the project is to restore the physical and biological processes and functions of the Lower Red River Meadow ecosystem to provide high quality habitat for chinook salmon, steelhead trout, bull trout, and other anadromous and resident fish species. Enhanced wildlife habitat and public education are also goals of the project. The funding agency is BPA. The contract agency is Idaho County Soil and Water Conservation District.

Monitoring of project results is a key issue with this project. The ESB has been involved during this project year with the collection of follow-up Habitat Evaluation Procedure (HEP) data to document continuing changes to meadow and riparian habitats.

Long Gulch Pond

Long Gulch Pond is a 40+ acre site that has been under gravel mining lease with the IDL. The site is an oxbow of the Salmon River cutoff from the river by Highway 95 near Lucile, Idaho. It offers some fishing for stocked trout and has potential to provide wetland habitats and enhanced fishing recreation. Because the mining lease was to expire at the end of 1999, we successfully worked with the IDL minerals program to not renew the mineral lease and accept the IDFG as the leaseholder of the site. In cooperation with the University of Idaho Landscape Architecture Department and the IDT, we submitted for a grant to fund parking lot, rest rooms, dock construction, information kiosk, and wetland development plantings at the site.

During the spring of 2001, the IDFG was informed that the Long Gulch enhancement proposal had received favorable consideration by the funding committee, but that concerns remained about mineral rights and the ability of the project sponsors to protect the site into perpetuity. During a May 16, 2001 interagency site visit to the Long Gulch area, IDL expressed a willingness to pursue the steps necessary to ensure protection of the site in perpetuity. We are working with IDL to expand the lease of the site that we are working on with IDL from 10 years to 25 years and to achieve a "mineral entry exclusion" for the Long Gulch site.

BPA Sub-Basin Planning

During the past year, Clearwater Region personnel have worked closely with the Soil Conservation Commission, the NPT, the Office of Species Conservation, and others, in the development of subbasin summaries for the Palouse, Clearwater, Salmon, and Snake Hells Canyon subbasins. We provided data on aquatic and terrestrial species occurrence, limiting factors, needs, and IDFG goals and objectives. Watershed enhancement projects were developed in the Palouse, Salmon, and Snake Hells Canyon subbasins, and presented to the Independent Scientific Review Panel. If approved, projects would be funded by the BPA.

As part of the Clearwater Terrestrial Assessment, the IDFG sub-contracted with the NPT to develop a comprehensive wildlife database for the Clearwater Region. During the project year, the work statement was negotiated and a temporary wildlife biologist was hired to develop the structure and begin populating the database. The database structure was developed in coordination with the Conservation Data Center and StreamNet staff in Boise. The position is supervised by the IDFG's nongame biologist.

Dworshak Project

The region developed a cooperative project with the USACE to evaluate fish and wildlife on the Dworshak mitigation area. This is the second year that the USACE funded the two-year project. Project staff have collected comprehensive data on wildlife occurrence and habitat conditions across over 30,000 acres of USACE lands surrounding Dworshak Reservoir. Information is now being synthesized in a report and will provide the scientific basis of a Revised Operations Plan for USACE lands and future management activities on those lands. Information will also be used in the development of the on-going Clearwater subbasin assessment mentioned earlier.

Highway Projects

ITD is working on several projects in the Clearwater Region. Two primary projects include the construction of passing lanes along U.S. Highway 12, from Lewiston to the Montana border, and the widening of U.S. Highway 95 to four lanes, from Lewiston to Moscow. Clearwater regional staff have worked with ITD to develop acceptable mitigation for both projects. Five miles of the U.S. 95 route is proposed to be moved to a new route along Paradise Ridge, affecting Palouse Prairie and Ponderosa Pine remnants and a variety of wildlife species. We are working closely with ITD and other entities in an attempt to ensure that adequate terrestrial and aquatic mitigation is provided if this route is chosen.

Camas Prairie Railroad Abandonment

In the last year, the owner of the Camas Prairie Railroad, stretching from Spaulding to Grangeville, has announced plans to abandon the railroad. Clearwater regional personnel worked closely with all involved parties to ensure that restoration of Lapwai Creek would be stipulation of any abandonment procedure. The Surface Transportation Board concurred and required the owner of the railroad to provide a stream restoration plan. In the last year, we have worked with the NPT, the Natural Resources Conservation Service, and others to develop a restoration plan, focused on removing ballasts from floodplain areas and modifying or removing bridges causing on-going stream degradation.

Other Issues

Additional issues which have occurred in the Clearwater Region in the last year, and have the potential to affect fish and wildlife resources include a proposal to construct a large Kaoline (clay) mine on IDL lands near Deary, Tussock moth spraying on IDL lands, a gold mine proposal on the Salmon River, initiation of a new travel plan on BLM lands, proposals for numerous cell towers around the region, and land-use planning in the Hells Canyon NRA.

JOB PERFORMANCE REPORT

State of:	Idaho	**Name:**	STATEWIDE TECHNICAL ASSISTANCE
Project:	FW-7-T-7	**Title:**	Southwest Region Technical Assistance
Subproject:	II	**Job No.:**	3

Period Covered: July 1, 2000 to June 30, 2001

ABSTRACT

During the period covered by this report, the Southwest Region environmental staff biologist provided comments, technical reviews, and support on approximately 520 occasions to federal and state agencies, local governments, individuals, and private organizations. Assistance included both written and verbal conveyance of anticipated effects to fish and wildlife populations or their associated habitats and recommendations to minimize or mitigate impacts.

Significant activities that required extensive amounts of time included: participation with Ada County planning and zoning subdivisions and conditional use permits, stream channel alteration and wetland fill applications, National Forest land management plan revisions, hydropower project activities, reservoir and river flow management, transportation projects, Idaho Dept. of Lands leases, and other state and federal land management activities. Activities were coordinated and reviewed with the appropriate regional staff and state office personnel for accuracy, thoroughness, and adherence to Idaho Department of Fish and Game (IDFG) policies.

Author:

Robert C. Martin
Environmental Staff Biologist

OBJECTIVES

Provide and coordinate fish and wildlife related technical assistance and comment to other government agencies (state, federal, and local), organizations, and private individuals. Protect and/or enhance fish and wildlife habitat.

METHODS

Document review, literature research, field inspection, and consultation with appropriate policy, management, and research personnel were used to provide comments and recommendations on actions proposed by private entities, local governments, and state and federal agencies.

RESULTS

The Southwest Region environmental staff biologist provided reviews and/or comments for the following entities on the listed number of occasions:

U.S. Forest Service (USFS)	38
Bureau of Land Management (BLM)	54
U.S. Fish and Wildlife Service (USFWS)	8
U.S. Army Corps of Engineers (COE)	24
Federal Energy Regulatory Commission (FERC)	6
Bonneville Power Administration (BPA)	3
Bureau of Reclamation (BOR)	15
Environmental Protection Agency (EPA)	2
Natural Resource Conservation Service (NRCS)	3
Idaho Dept. of Water Resources (IDWR)	160
Idaho Division of Environmental Quality (DEQ)	4
Idaho Dept. of Lands (IDL)	15
Idaho Transportation Dept. (ITD)	9
Idaho Dept. of Fish and Game (IDFG)	60
County/City Government/Private	220
Total	**621**

MAJOR PROJECTS

Major projects worked on included Draft Revisions and Environmental Impact Statements for Boise, Payette, and Sawtooth National Forests, IDWR's stream channel alteration applications on the Boise River, planning for Cow Creek road reclamation, reviews and letters for all subdivision and conditional use permit application in Ada County, and review and assessment of WestRock Resort proposal.

JOB PERFORMANCE REPORT

State of: Idaho **Name:** STATEWIDE TECHNICAL ASSISTANCE

Project: FW-7-T-7 **Title:** Magic Valley Region Technical Assistance

Subproject: II **Job No.:** 4

Period Covered: July 1, 2000 to June 30, 2001

ABSTRACT

Summary of technical consultation for the period July 1, 2000 to June 30, 2001.

Agency or Group	Number of written responses, meetings or site visits
U.S. Forest Service	24
Bureau of Land Management	52
U.S. Fish and Wildlife Service	5
U.S. Army Corps of Engineers	4
Federal Energy Regulatory Commission	14
Bureau of Reclamation	8
Natural Resources Conservation Service	8
Idaho Department of Water Resources	96
Idaho Department of Environmental Quality	10
Idaho Department of Lands	2
Idaho Department of Transportation	4
City/County Gov. & Private Development	58
Idaho Power Company	10
TOTAL	**295**

Author:

Chuck Warren
Environmental Staff Biologist

MAJOR PRODUCTS OF INTEREST

U.S. Forest Service

The Sawtooth National Forest held Level I consultation meetings with the U.S. Fish and Wildlife Service that included input from Idaho Department of Fish and Game (Department) biologists. Most of these meetings were held on a monthly basis and Department attendance was usually by the Environmental Staff Biologist (ESB).

A significant amount of time was spent on preparing comments for the Draft Land Management Plan and Environmental Impact Statement for the plan for the Boise, Sawtooth and Payette National forests.

Regional wildlife staff and the ESB spent considerable time preparing an Environmental Assessment following National Environmental Policy Act (NEPA) guidelines to continue feeding elk within the South Fork Boise River watershed.

Bureau of Land Management

Most of the technical assistance for the Bureau of Land Management (BLM) was provided by Regional Habitat personnel with some provided by the ESB. The majority of time spent on BLM issues was for temporary nonrenewable grazing permits.

U.S. Fish and Wildlife Service

All of the contacts with the U.S. Fish and Wildlife Service during the project period dealt with various Endangered Species Act issues. Most of these were related to bull trout.

U.S. Army Corps of Engineers

Most of the contacts with the U.S. Army Corps of Engineers (COE) were related to jurisdictional issues and coordinating assistance on stream channel alteration proposals.

Bureau of Reclamation

All contacts and correspondence with the Bureau of Reclamation related to temporary modification of Minidoka Dam spillway flows during 2001.

Natural Resources Conservation Service

Correspondence with the Natural Resources Conservation Service dealt mostly with water quality issues from irrigation return flows to the Snake River and other tributaries.

Federal Energy Regulatory Commission

The ESB responded to several requests from FERC license holders to allow an exemption to their requirements for bypass flows. This was in light of FERC's request to their license holders to explore ways to increase electrical production this year. The only two exemptions that were allowed were for Idaho Power Company (IPC) at their Milner Dam plant and their Twin Falls plant. A significant amount of time was spent attending meetings for the relicensing of IPC's Malad River units.

Idaho Department of Water Resources

The majority of comments issued and time spent providing technical assistance was for Stream Channel Alteration Permits issued by the Idaho Department of Water Resources and the COE. Most of these were in the Big Wood River Valley and required site inspections by the ESB.

Idaho Department of Environmental Quality

The ESB attended several meetings with the Idaho Department of Environmental Quality to provide input on and obtain information for water quality issues. Most of these were for the Total Maximum Daily Load management process for the Snake River and the Big Wood River. Several of the meetings were also to assist with coordination of field data collections for the Beneficial Use Reconnaissance Program.

Idaho Department of Lands

Most correspondence with the Idaho Department of Lands was to gain information on pending actions that the agency was proposing, such as land exchanges, and to provide comment on management issues.

Idaho Department of Transportation

Comments related to fish and wildlife issues were provided on various projects that the Department of Transportation was proposing. Some of these related to instream habitat near the project site and others related to wildlife habitat issues, which the regional wildlife habitat biologists provided.

City/County Gov. and Private Development

There were several land development projects that the ESB and regional habitat biologists provided technical comments on. Most of these were requests by private developers to fulfill requirements by county planning and zoning commissions that developers obtain comments from the Department on their proposals. Some were related to federal grants for urban development projects.

Idaho Power Company

Most correspondence and meetings with IPC concerned relicensing issues for the Malad River projects, Milner Dam bypass flows, and Twin Falls spill flows.

JOB PERFORMANCE REPORT

State of:	Idaho	**Name:**	STATEWIDE TECHNICAL ASSISTANCE
Project:	FW-7-T-7	**Title:**	Southeast Region Technical Assistance
Subproject:	II	**Job No.:**	5

Period Covered: July 1, 2000 to June 30, 2001

ABSTRACT

The Southeast Region Environmental Staff Biologist (ESB), with support from wildlife, fisheries and habitat staff, provided technical assistance to public and private organizations in the form of field inspections, meeting attendance, project document reviews, and verbal and written response on about 379 occasions. The four largest issues in the Southeast Region during FY 2001 included the Northwest Power Council Provincial Reviews--subbasin Summary, Bear River re-licensing, selenium/phosphate mining, and the initiation of the amendment process on the Caribou National Forest and the Curlew National Grasslands plans. Underlying these issues is the potential ESA listing of the sage grouse and Bonneville and Yellowstone cutthroat trout. In addition, population expansion from the Wasatch Front in Utah continues to impact winter range and other important wildlife habitats in southern counties. The Idaho Department of Fish and Game (Department) continues to review proposed subdivisions and provide recommendations to counties to protect important wildlife habitats. Finally, numerous Watershed Advisory Groups (WAGs) and several Basin Area Groups (BAGs) meetings, from the Senate Bill 1284 process, were attended.

Author:

Jim J. Mende
Environmental Staff Biologist

OBJECTIVES

To provide technical assistance to city, county, private, and state and federal entities in matters relating to fish and wildlife habitat.

METHODS

Technical assistance was provided through reviews of permit applications, project plans, National Environmental Policy Act documents, site inspections, and meeting attendance.

RESULTS

The major categories for technical assistance in the Southeast Region during this report period were area- wide assessments, water-related issues, followed by Forest Service projects, county planning and zoning issues, selenium/mining issues, and Bear River re-licensing by the Federal Energy Regulatory Commission (FERC) (Table 1). Numerous BAG and WAG meetings were attended as part of the Senate Bill 1284 process, to improve water quality in Idaho's streams and rivers.

Upper Snake River Subbasin Summary

The Columbia Basin Fish and Wildlife Authority (CBFWA) was directed by the Northwest Power Planning Council to begin developing subbasin summaries for the 62 subbasins in the Columbia Basin. The summaries contain natural resource information collected from the relevant state, federal, tribal, local, and private entities and is used by the reviewers to evaluate proposed restoration activities in the subbasin associated with power production and its associated effects.

The Upper Snake River Basin includes the mainstem of the Snake River from Shoshone Falls to the Gem State Hydroelectric Facility at Idaho Falls. The Blackfoot and Portneuf drainages were addressed as separately in the summary. The document represented the current level of information concerning fish and wildlife resources and associated habitats. The Department worked closely with the resource specialists representing the Shoshone-Bannock Indian Tribe with additional information provided by the various state and federal resources management agencies.

As of this writing no specific activity has been identified for development and presentation to the reviewing groups.

Caribou National Forest Plan Amendments

The Caribou National Forest CNF) has initiated plan amendment processes on both the Curlew National Grasslands and the rest of the CNF. CNF personnel prepared Draft Environmental Impact Statements (DEIS) for both the Curlew and the rest of the CNF. The relationship between sage grouse habitat and grazing and prescribed burning practices on the Curlew continues to be one of the key issues. The ESB is working closely with other Department staff to ensure that sage grouse habitat is protected and improved in the future. Primary issues on the rest of the CNF include on-going prescribed burning practices and future timber harvest, livestock grazing, and road density and associated impacts on cutthroat trout, big game, and other wildlife species.

Planning and Zoning

People continue to move into Bear Lake, Franklin, and Oneida counties to escape the higher costs and crowding in northern Utah along the Wasatch Front. The ESB has also attended county planning meetings and has provided recommendations on a number of proposed subdivisions impacting big game winter range and other wildlife habitat.

Bear River Hydro Re-licensing

Pacificorp operates four Bear River hydroelectric projects that initiated the FERC re-licensing process in 1995. The projects include Oneida, Soda Point, and Grace/Cove (two projects that operate under one license). Current project licenses will expire on October 1, 2001. During the report year, Pacificorp released the draft license application. Several miles of the Bear River have been de-watered over the last several decades by operation of the hydroelectric system. The ESB has worked with personnel from the Department and other agencies to develop appropriate responses and to recommend appropriate Protection, Mitigation, and Enhancement measures (PM&Es) for the projects. One of the Department's primary goals is to provide adequate minimum flows in all sections of the river, in addition to reduced ramping rates, tributary and riparian enhancements, and arrangements for future passage if needed.

Selenium/Phosphate Mining

During the last year, the Interagency/Industry Selenium Working Group has continued to grow and expand the focus of studies. Water, vegetation, and sediment sampling has shown the presence of selenium to be widespread in association with several old mine

dumps and associated facilities. Several meetings and related conference calls have been attended. Annual reports and work plans have been reviewed.

Idaho Department of Transportation

The ESB has been involved in numerous bridge replacement and road modification projects in the last year. Plans to widen U.S. 89 between Montpelier and Geneva continue. Idaho Department of Transportation is beginning planning for the long-term widening U.S. 30 (from McCammon to the Wyoming border) and U.S. 91 (from Downey to the Utah border) into four-lane highways. Issues surrounding all of these projects include wetland impacts, big game migration barriers and direct mortality from collisions, direct loss of wildlife habitat, water quality and fisheries impacts, and adequate mitigation.

The Southeast Region ESB participated on and cooperated with the following committees:

Portneuf River Watershed Council
Bear River Basin Water Quality Task Force
Bear River Basin Advisory Group
Blackfoot River Watershed Advisory Group

Senate Bill 1284 Implementation

Implementation of SB 1284 established BAGs for the Bear and Upper Snake rivers. Blackfoot and Portneuf watershed groups have developed and are active in reviewing and prioritizing 319 (water quality improvement) projects. The ESB attended the watershed meetings and provided technical assistance.

Table 1. Summary of technical assistance provided by the Southeast Region ESB 1998-1999.

AGENCY/ENTITY	TECH. COMMENTS OR REVIEW	MEETINGS/SITE VISITS	TOTAL
Id. Water Res.	10	2	12
Forest Service	7	10	17
FERC/Bear River Re-licensing	6	3	9
County P&Z	5	5	10
Mining/Selenium	3	1	4
Id. Dept. Transportation	7	4	11
BLM	3	2	5
Corps. Of Engineers	6	6	12
Id. DEQ	2	2	4
WAGS/BAGS	1	1	2
City of Pocatello	1	1	2
NRCS	2	2	4
Id. Dept. Lands	2	2	4
Other	5	10	15
Totals	**60**	**51**	**111**

JOB PERFORMANCE REPORT

State of:	**Idaho**	**Name:**	**STATEWIDE TECHNICAL ASSISTANCE**
Project	**FW-7-T-7**	**Title:**	**Upper Snake Technical Assistance**
Subproject:	**II**	**Job No.:**	**6**

Period Covered: **July 1, 2000 - June 30, 2001**

ABSTRACT

During the contract period, the Upper Snake Region environmental staff biologist (ESB) provided comment, technical review, and support on approximately 400 occasions to federal and state agencies, local governments, individuals, and private organizations. Assistance included both written and verbal conveyance of anticipated effects to fish and wildlife populations or their associated habitats and recommendations to minimize or mitigate impacts.

Significant activities that required extensive amounts of time included: participation with the stream channel alteration and wetland fill processes, coordination of hydropower related reviews, new water rights and transfers, aquifer recharge, Snake River Resources Review, reservoir and river flow management, transportation projects, and other state and federal land management activities. Activities were coordinated and reviewed with the appropriate regional staff and state office personnel for accuracy, thoroughness, and adherence to Idaho Department of Fish and Game (IDFG) policies.

Author:

Don Kemner
Environmental Staff Biologist

OBJECTIVES

Provide and coordinate fish and wildlife related technical assistance and comment to other government agencies (state, federal, and local), organizations, and private individuals. Protect and/or enhance fish and wildlife habitat.

METHODS

Document review, literature research, field inspection, and consultation with appropriate policy, management, and research personnel were used to provide comments and recommendations on actions proposed by private entities, local governments, and state and federal agencies.

RESULTS

The ESB provided reviews and comments for the following entities on the listed number of occasions. Each contact represents a meeting or written response:

U.S. Forest Service (USFS)	21
Bureau of Land Management (BLM)	16
U.S. Fish and Wildlife Service (USFWS)	5
U.S. Army Corps of Engineers (COE)	45
Federal Energy Regulatory Commission (FERC)	20
Bonneville Power Administration (BPA)	7
Bureau of Reclamation (BOR)	28
Environmental Protection Agency (EPA)	4
Idaho Dept. of Water Resources (IDWR)	100
Idaho Dept. of Environmental Quality (DEQ)	16
Idaho Dept. of Lands (IDL)	3
Idaho Transportation Dept. (ITD)	27
Idaho Dept. of Fish and Game (IDFG)	33
County/City Government/Private	65
Total	**390**

MAJOR PROJECTS

Major projects worked on included IDWR's managed recharge proposals; USBR's Snake River Resources Review, Fremont-Madison Irrigation District's request to obtain title to Island Park Dam and Grassy Lake Dam; Low Impact Hydro status for Island Park Hydro; recommendations for flows on the Henrys Fork and South Fork Snake River; review of TMDLs for Teton River; began TMDL process for Willow Creek; flow, temperature, and monitoring recommendations for Island Park Dam and the spillway modification project; BPA's Palisades wildlife mitigation program; Targhee National Forest revised travel plan maps; and Henrys Fork Watershed Council coordination.

Submitted by:

Scott Grunder
Fishery Program Coordinator

Cindy Robertson
Staff Fishery Biologist

Michele Beucler
Wildlife Mitigation Specialist

Ray Hennekey
Environmental Staff Biologist

Jerome Hansen
Environmental Staff Biologist

Bob Martin
Environmental Staff Biologist

Chuck Warren
Environmental Staff Biologist

Jim Mende
Environmental Staff Biologist

Don Kemner
Environmental Staff Biologist

Approved by:

IDAHO DEPARTMENT OF FISH AND GAME

Rod Sando, Director

Tracey Trent, Chief
Natural Resources Policy Bureau

Scott Grunder
Fishery Program Coordinator