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**OUTSTANDING RESOURCE WATERS**

**1991-1992**

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**REPORT TO THE**  
**BOARD OF HEALTH AND WELFARE**  
**TO THE**  
**FIFTY FIRST IDAHO LEGISLATURE**  
**SECOND REGULAR SESSION**



**Idaho Department of Health and Welfare**  
**Division of Environmental Quality**

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January, 1992

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**Prepared by**

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**Idaho Department of Health and Welfare  
Division of Environmental Quality**

**January, 1992**

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**SECTION I**

**RECOMMENDATIONS**

## RECOMMENDATIONS

The Board of Health and Welfare recommends the following stream segments to the Fifty-First Idaho Legislature, Second Regular Session, for Designation as Outstanding Resource Waters.

**1. Middle Fork of the Salmon River, from the confluence Bear Valley/Marsh Creeks to the Salmon River**

Rationale:

The Middle Fork of the Salmon River is a high quality water that has exceptional recreational and ecological significance. The Middle Fork of the Salmon has national recognition as a whitewater recreational river. The river is of high ecological significance to the anadromous fisheries resource because it supports genetically pure strains of wild chinook salmon. The public testimony highly favored designation of the Middle Fork of the Salmon River. No adverse social or economic impact is expected as a result of designation as an Outstanding Resource Water.

**2. Bear Valley Creek, Headwaters to the Middle Fork of the Salmon River**

Rationale:

Bear Valley Creek exhibits exceptional ecological significance as a spawning and rearing area for wild runs of anadromous chinook and steelhead trout. Although sections of the stream have been impacted in the past, the stream has improved and impacted areas continue to recover. Grazing is the primary nonpoint source activity in the drainage. Grazing practices are currently being revised within the allotment to improve riparian protection. Existing grazing activities are not subject to best management practice review under the proposed Outstanding Resource Water implementation bill. For these reasons, no adverse economic or social impact is expected as a result of designation as an Outstanding Resource Water. The public testimony was highly supportive of designation.

**3. Marsh Creek, Headwaters to the Middle Fork of the Salmon River**

Rationale:

Marsh Creek exhibits exceptional ecological significance as a spawning and rearing area for wild runs of anadromous chinook and steelhead trout. Grazing is the primary nonpoint source activity in the drainage. Revision of grazing practices is currently under consideration by the Sawtooth National Forest to improve riparian protection. Existing grazing activities are not subject to best management practice review under the proposed Outstanding Resource Water implementation bill. For these reasons, no adverse economic or social impact is expected as a result of designation as an Outstanding Resource Water. The public testimony was highly supportive of designation.

4. Selway River, headwaters to Magruder Ranger Station.
5. Selway River, Magruder Ranger Station to Paradise Ranger Station.
6. Selway River, Paradise Ranger Station to Wilderness Boundary.

**Rationale:**

These three contiguous segments of the Selway River are classified as Wild and Scenic Rivers within a designated wilderness area. Water quality is characterized as pristine. The Selway River has exceptional recreational value as a whitewater river which supports an outfitting and guiding industry. The Selway River exhibits exceptional ecological significance in providing spawning and rearing habitat for chinook salmon and steelhead trout. The river also supports a blue ribbon cutthroat trout fishery. Because the Selway River is managed as a Wild and Scenic River within a wilderness area, no adverse economic or social impacts are expected as a result of designation. The public testimony favored designation as an Outstanding Resource Water.



**SECTION II**

**OUTSTANDING RESOURCE WATERS PROCESS**

## OUTSTANDING RESOURCE WATER PROCESS

### Procedural Requirements:

The procedure for nominating and designating Outstanding Resource Waters is provided in Section 39-3614 to 39-3618, Idaho Code, and in IDAPA 16.01.2053, of the Water Quality Standards and Wastewater Treatment Requirements, Idaho Department of Health and Welfare. The Board of Health and Welfare and the Department of Health and Welfare have complied with these requirements in reviewing the nominations submitted for Outstanding Resource Waters.

### Nominations Received:

Prior to the closure date of August 1, 1991 the Board of Health and Welfare received three nominations for fifteen stream segments. Nominations were received from the Idaho Mining Association, the Idaho Conservation League, and Senator Ron Beitelspacher as listed below and shown on the attached maps.

#### Idaho Mining Association

- Middle Fork of the Salmon River, from the confluence of Bear Valley/Marsh Creek to Salmon River.

#### Idaho Conservation League

- Middle Fork of the Salmon River, from the confluence of Bear Valley/Marsh Creek to Salmon River.
- Elk Creek, headwaters to Bear Valley Creek.
- Marsh Creek, headwaters to the M. F. Salmon River.
- Bear Valley Creek, headwater to the M. F. Salmon River.

#### Senator Ron Beitelspacher \*\*

- Selway River, O'Hara Creek to the mouth.
- Selway River, wilderness boundary to O'Hara Creek.
- Selway River, Paradise Ranger Station to wilderness boundary.
- Selway River, Magruder Ranger Station to Paradise Ranger Station.
- Selway River, headwaters to Magruder Ranger Station.
- Meadow Creek, headwaters to confluence including tributaries.
- Moose Creek, headwaters to confluence including tributaries.
- Bear Creek, headwaters to confluence including tributaries.
- Running Creek, headwaters to confluence including tributaries.
- Indian Creek, headwaters to confluence including tributaries.
- Little Clearwater River, headwaters to confluence including tributaries.

\*\* (Senator Beitelspacher subsequently modified his nomination to delete the phrase "including tributaries" from the nomination.)

### Public Notice/Public Hearings:

The Board of Health and Welfare accepted the nominations and scheduled public hearings. Public notices were published on September 26, October 3, and October 10, 1991 in six daily newspapers. In addition, news releases were used to notify the public of the hearing dates. Dr. John Freemuth, Boise State University, was retained as hearing officer. Dr. Freemuth is an Associate Professor in the Department of Political Science who specializes in natural resource policy issues.

Public hearings were held on October 22, 1991 at the Division of Environmental Quality in Boise, and on October 29, 1991 on the campus of Lewis and Clark State College on Lewiston. Written comments were accepted until November 12, 1991.

The hearing officer's report was delivered to the Board of Health and Welfare on December 31, 1991.

### Board of Health and Welfare Activities:

In addition to the required procedural steps listed above the Board of Health and Welfare took an active role in obtaining information on the stream segments and in addressing implementation issues. The Board appointed an Outstanding Resource Water subcommittee consisting of Mr. David Mead and Ms. Maureen Finnerty. The subcommittee conducted tours in the nominated areas to become familiar with the issues and concerns. These tours included the affected user, land manager, and nominators when schedules allowed. A full day tour of Bear Valley Creek and Marsh Creek was held on September 6, 1991. The Board subcommittee with Senator Ron Beitelspacher toured the Selway River by air on October 20, 1991.

### Outstanding Resource Water Working Group:

To address issues related to implementation of Outstanding Resource Waters the Board formed a working group to develop legislation. The Board invited thirteen representatives of industry, interest groups, and state and federal agencies to provide input on implementation. This included the Idaho Petroleum Council, Idaho Forest Industry Association, Idaho Conservation League, Idaho Mining Association, Idaho Farm Bureau, Idaho Cattle Association, U.S. Forest Service, Idaho Wool Growers Association, Idaho Department of Lands, Soil Conservation Commission, Independent Miners Association, Idaho Sportsman's Coalition, and Outfitters and Guides. The first meeting was held on September 18, 1991.

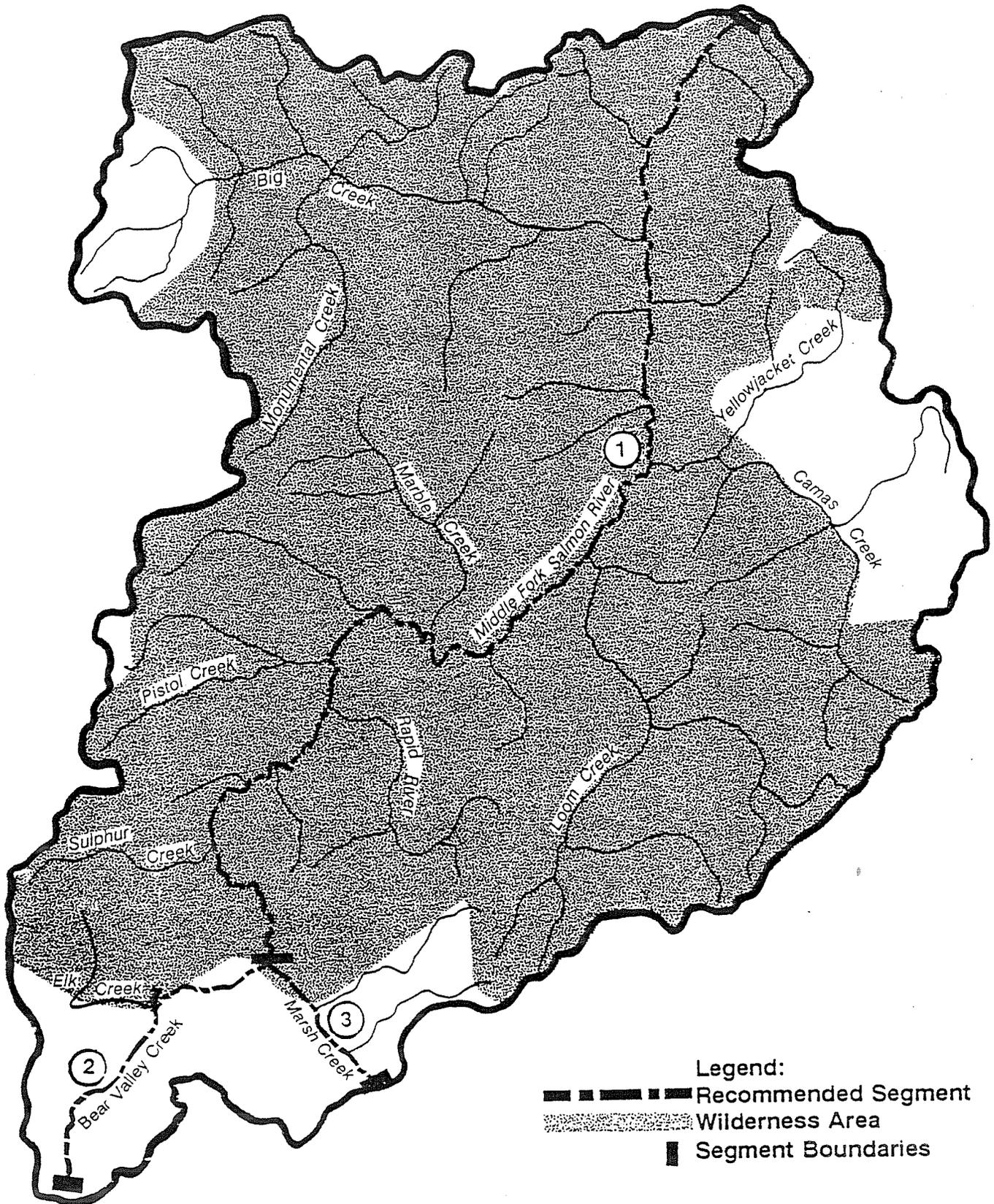
After several meetings, three parties showed the most interest in participating in the work group - the Idaho Mining Association, Idaho Conservation League, and U.S. Forest Service. After four months of working with this group, the Board of Health and Welfare and the Idaho Department of Health and Welfare prepared draft legislation which best addressed the concerns of these three principal parties and which was consistent with Antidegradation Policy. This bill was forwarded to the legislature on January 27, 1992.



**SECTION III**

**STREAM SEGMENT SUMMARIES**

# Outstanding Resource Water Health and Welfare Recommendation Middle Fork Salmon River Drainage



## SUMMARY

### MIDDLE FORK OF THE SALMON RIVER

*(Note: See Idaho Mining Association and Idaho Conservation League nomination for supporting information.)*

#### Stream Segment Description:

- 1) Middle Fork of the Salmon River, from the confluence of Bear Valley Creek/Marsh Creek to Salmon River.

#### Significance as an Outstanding Resource Water (hereinafter "ORW"):

The MF Salmon River is of national significance having been designated by Congress as a Wild and Scenic River. The Middle Fork Salmon River is also the center piece of the Frank Church River of No Return Wilderness. It attracts recreationists from throughout the country. As Idaho's premier backcountry whitewater river, the Middle Fork Salmon River has a high significance to the state.

The Middle Fork Salmon River is ecologically significant. It provides primarily rearing habitat to pre-smolt wild anadromous stocks of salmon and steelhead trout. These are some of the last wild stocks not affected by the introduction of hatchery fish. The Middle Fork Salmon River contains one of Idaho's finest cutthroat trout fisheries.

The Middle Fork Salmon River has a high recreational significance. A float trip industry with an estimated income of 4.9 million dollars and employing nearly 150 seasonally has developed on the river. The most recent estimates indicate that over 9,000 individuals floated the river with over 5,000 employing the services of outfitters.

#### Nonpoint Source Activities and Affect of ORW designation:

Nonpoint source activities which affect the Middle Fork Salmon River are primarily recreational activities and some stock grazing associated with recreation. These current nonpoint source activities would continue under ORW designation. Currently outfitters, guides, and private parties must meet rules outlined in the wild river and wilderness management plans developed by the U. S. Forest Service.

No new major nonpoint source activities are anticipated in the Middle Fork Salmon River. However, if new activities were developed, outstanding resource water best management practices would apply. The economic and social impact of ORW designation is projected to be negligible.

#### Existing Water Quality Data:

The primary source of water quality data is from the Challis National Forest. The Forest has collected water quality data sporadically over a 20 year period related to management of recreational activities during the summer. A rigorous analysis of this data has not been completed, however, the data indicate the water is of high quality and meets standards for swimming and wading. As with other surface streams, the water would require disinfection to meet drinking water standards.

Public Comment:

*(NOTE: See enclosed Hearing Officer Report.)*

Comments on the Middle Fork Salmon River nomination were almost uniformly favorable. The public comments supported the recreational significance of the river as a showpiece of Idaho rivers. Comments also addressed the ecological significance of the Middle Fork Salmon River system in supporting rearing habitat for salmon and steelhead. Opposition to the nomination was voiced by the Bear Valley Grazing Association.

## SUMMARY

### BEAR VALLEY CREEK

*(NOTE: See Idaho Conservation League nomination for supporting information.)*

#### Stream Segment Description:

- 2) Bear Valley Creek, headwaters to the Middle Fork of the Salmon River. 37 river miles.

#### Significance as an Outstanding Resource Water:

Bear Valley Creek has a very high ecological significance to the anadromous and resident fishery of the Middle Fork Salmon River. The steep gradient of the Middle Fork Salmon River precludes spawning in all but a few locations. The tributary streams provide the spawning habitat. The Bear Valley Creek drainage, including the Elk Creek tributary, contains over 50% of all anadromous fish habitat in the Middle Fork Salmon River drainage and is capable of producing 5% of the salmon and steelhead in the entire Columbia River Basin. The anadromous fisheries stocks of the Middle Fork Salmon River which spawn in Bear Valley Creek are of national importance because they are wild stocks that have not been affected by hatchery fish. The gene pools of these wild stocks are critical to rebuilding the chinook salmon runs that are proposed for listing under the Endangered Species Act.

Bear Valley Creek provides fishing opportunities for cutthroat and bullhead trout. Approximately, fifteen float trips per year are made on the creek.

#### Nonpoint Source Activities and Affect of ORW designation:

Bear Valley Creek has been impacted by historical nonpoint source activities, but, has improved due to rehabilitation projects. In the 1950's, dredge mining for placer deposits in Upper Bear Valley Creek caused excessive sedimentation and damage to spawning and rearing habitat. The mined area has since been rehabilitated. The impacts of sedimentation will be reduced over time as flushing flows occur.

The primary nonpoint source activity in Bear Valley Creek is livestock grazing in the meadows bordering the creek. This activity has the potential to impact streambank stability, streamside vegetation, and contribute to sedimentation. Allotment plans have recently been revised to include fencing stream corridors and provide riparian pastures. These actions will improve stream conditions while historical use of the area for grazing continues. **The existing grazing activities are allowed to continue under an ORW designation. Existing activities are not subject to best management practice review under the proposed ORW implementation legislation.**

The Boise National Forest has scheduled a small volume of timber harvest in the drainage over the next decade. Timber harvest would continue under ORW designation, but, would be subject to development of site-specific best management practices. Discussions with National Forest staff indicate that timber harvest is already planned with an objective of either reducing sedimentation or having no measurable increase. Timber harvest under these conditions would not be affected by ORW designation.

Existing Water Quality Data:

Water quality information has been collected by the Boise National Forest and other federal agencies in relation to the fisheries resource and stream rehabilitation programs. Sediment, in-stream habitat, and riparian habitat parameters have been measured since the late 1970's. The information indicates that sediment levels in Bear Valley Creek affect the fisheries resource. Much of the data has not been rigorously analyzed to determine water quality trends.

See attached summary from the Boise National Forest.

Public Comment:

*(NOTE: See enclosed Hearing Officer Report.)*

Support for the three tributaries to the M.F. Salmon River was strong at the Boise hearing. Testimony centered on the ecological significance of the tributaries in supporting habitat for salmon and steelhead. The public testimony noted that designation as an ORW would send a signal that Idaho was doing its share to protect the salmon, and keep as much management control as possible in Idaho's domain. Opposition to the nomination centered on the uncertainty of implementing Outstanding Resource Waters or that existing programs would provide sufficient protection. The Forest Service concern regarding implementation has subsequently been addressed through the implementation bill submitted by the Board of Health and Welfare.

## SUMMARY

### MARSH CREEK

*(NOTE: See Idaho Conservation League nomination for supporting information.)*

#### Stream Segment Description:

3) Marsh Creek, headwaters to the Middle Fork of the Salmon River. Eleven river miles.

#### Significance as an Outstanding Resource Water:

Marsh Creek, is in the Sawtooth National Recreation Area and has a very high ecological significance to the anadromous and resident fishery of the Middle Fork Salmon River. The steep gradient of the Middle Fork Salmon River precludes spawning in all but a few locations. The tributary streams provide the spawning habitat. The Marsh Creek drainage comprises 27 % of the anadromous fish spawning in the Middle Fork Salmon River system. The anadromous fisheries stocks of the Middle Fork Salmon River which spawn in Marsh Creek are of national importance because they are wild stocks that have not been affected by hatchery fish. The gene pools of these wild stocks are critical to rebuilding the chinook salmon runs that are proposed for listing under the Endangered Species Act.

Marsh Creek provides fishing opportunities for cutthroat and bullhead trout. The stream provides recreational floating in the spring.

#### Nonpoint Source Activities and Affect of ORW designation:

No timber or mining activities are planned in the Marsh Creek drainage.

The primary nonpoint source activity in Marsh Creek is livestock grazing. Marsh Creek is part of the Stanley Basin Horse and Cattle Allotment which is grazed by 1500 head of cattle and is currently rated for 9,000 AUMs. The Marsh Creek portion of the allotment provides approximately 20 % of the grazing. A draft 1990 Economic Import Statement (EIS) for the allotment proposed a 66% reduction in grazing to meet the objectives of the Sawtooth National Recreation Area. The Final EIS is planned for release by February 1992, and Record of Decision will be made in April, 1992. This on-going decision process will not be affected by an ORW designation. **The existing grazing activities are allowed to continue under an ORW designation. Existing activities are not subject to best management practice review under the proposed ORW implementation legislation.**

The overall economic impact on Marsh Creek due to ORW designation is negligible.

#### Existing Water Quality Data:

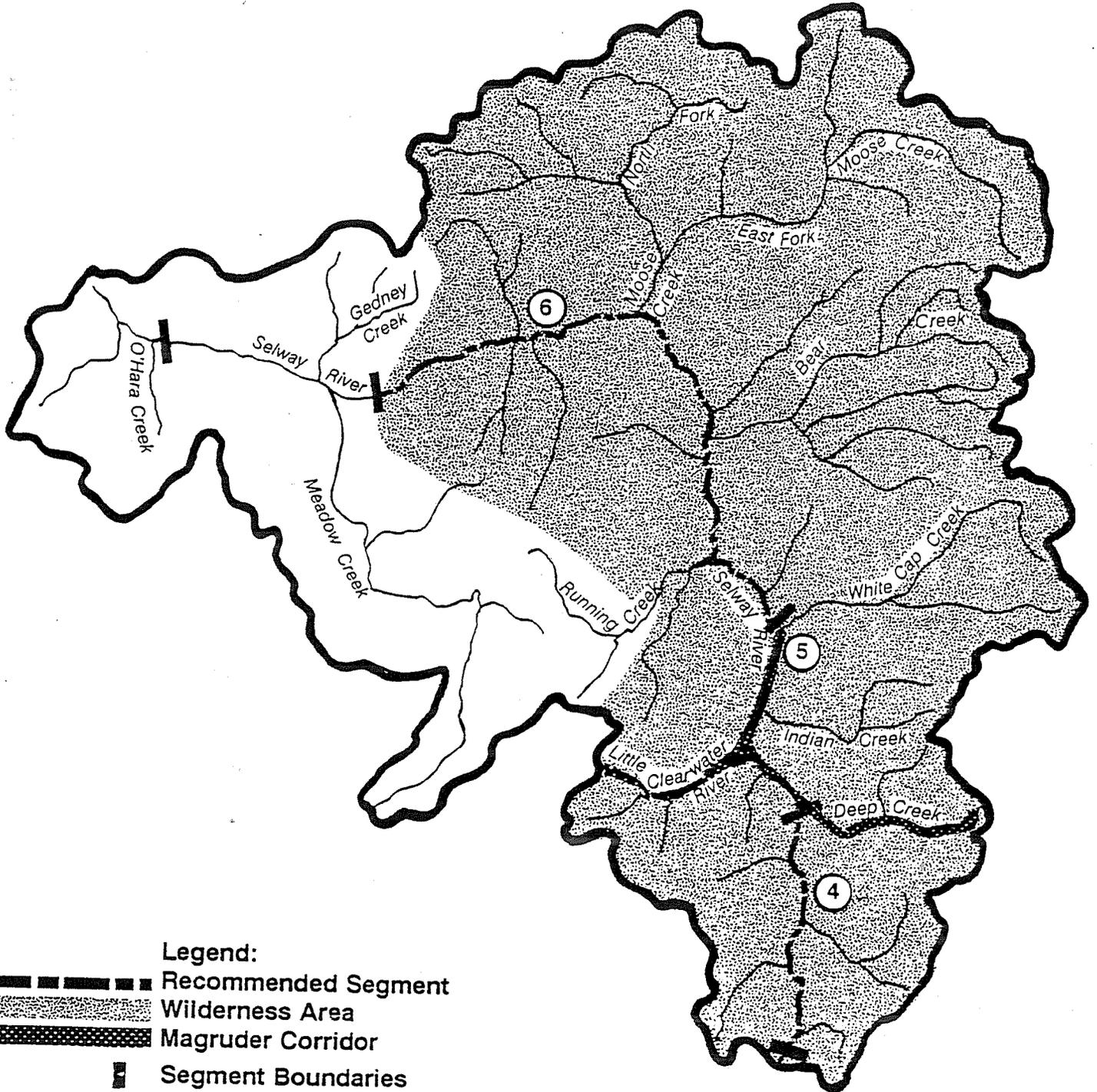
The Sawtooth National Forest has collected riparian habitat, streambank condition, and stream channel information on Marsh Creek. The data show that Marsh Creek drainage contains habitat in good to excellent conditions except for limited areas. Grazing within the Marsh Creek cattle pasture, approximately 3 stream miles, have impacted the streambanks. Streambanks within this reach are unstable and have contributed to increased sediment loads. The Sawtooth National Forest Plan requires a change in grazing management to improve these riparian areas. These changes have been initiated as listed above.

Public Comment:

*(NOTE: See enclosed Hearing Officer Report.)*

Support for the three tributaries to the Middle Fork Salmon River was strong at the Boise hearing. Testimony centered on the ecological significance of the tributaries in supporting habitat for salmon and steelhead. The public testimony noted that designation as an ORW would send a signal that Idaho was doing its share to protect the salmon, and keep as much management control as possible in Idaho's domain. Opposition to the nomination centered on the uncertainty of implementing Outstanding Resource Waters. The Forest Service concerns discussed at the public hearing regarding implementation has subsequently been addressed through the implementation bill submitted by the Board of Health and Welfare.

# Outstanding Resource Water Health and Welfare Recommendation Selway River Drainage



SUMMARY  
SELWAY RIVER

*(NOTE: See Senator Ron Beitelspacher nomination for supporting information.)*

Stream Segment Description:

- 4) Selway River, headwaters to Magruder Ranger Station. Eighteen River Miles.
- 5) Selway River, Magruder Ranger Station to Paradise Ranger Station. Fourteen River Miles.
- 6) Selway River, Paradise Ranger Station to Wilderness Boundary. Forty-three River Miles.

Significance as an Outstanding Resource Water:

The three contiguous recommended Selway River segments are entirely within the Selway-Bitterroot Wilderness Area and are designated as wild or recreational within the Wild and Scenic Rivers Act. The area is managed by the Nez Perce National Forest. The Selway River has national significance as a recreational river. The wild river from Paradise Ranger Station to Selway Falls supports whitewater float trips. In 1990, 810 people floated the river (3,813 user-days), approximately 20% used the service of outfitters and guides. The Selway River has a high ecological significance for production of anadromous salmon and steelhead trout. The Selway River is considered important to restoration of the chinook salmon because of the pristine water quality and habitat conditions. The Selway River is managed as a quality fishery for resident species which include cutthroat trout, rainbow trout, bull trout and mountain whitefish.

Nonpoint Source Activities and Affect of ORW designation:

No timber harvest, grazing allotments, or mining occurs within the area of the recommended segments.

The primary activities within the wilderness area are recreational uses of hiking and whitewater rafting. Natural fires are allowed to burn under prescribed conditions within the wilderness. Prescribed burns are not subject to regulation under the implementation bill proposed by the Health and Welfare Board.

The overall economic impact on the Selway River area due to ORW designation is negligible.

Existing Water Quality Data:

Stream flow, water quality, and fish habitat data have been collected within the Selway River Basin by the U.S. Geological Survey (USGS), U.S. Forest Service (USFS), Idaho Department of Fish and Game, and Nez Perce Tribe. USGS collected limited water quality data from 1974 to 1980. The USFS began a program of suspended sediment monitoring in 1988. Existing water quality is high and fish habitat is in excellent condition. These data show that the Selway River is among the most pristine watersheds of its size in the lower 48 states.

Public Comment:

*(NOTE: See enclosed Hearing Officer Report.)*

Written comment and oral testimony was highly supportive of the nomination of the Selway River as an Outstanding Resource Water. Public testimony addressed the outstanding ecological and recreational significance of the Selway River. The U.S. Forest Service, which manages the adjacent lands, supported the nomination of the main stem of the Selway River (the three contiguous segments recommended by the Board). The public strongly urged the Board to include the Selway River tributaries, especially Meadow Creek, but the Board did not recommend the tributaries to the legislature.

**SECTION IV**

**NOMINATIONS**

**NOMINATION OF THE  
MIDDLE FORK SALMON RIVER  
AS AN  
OUTSTANDING RESOURCE WATER**

Submitted by:

Jack Lyman  
Executive Director  
Idaho Mining Association

July 30, 1991

The Idaho Mining Association nominates the Middle Fork of the Salmon River as an Outstanding Resource Water and requests that the Idaho Board of Health and Welfare recommend that the Idaho Legislature designate the Middle Fork of the Salmon River as an Outstanding Resource Water under Idaho Code §39-3614 through 3618. The Middle Fork is identified by the State of Idaho as Stream Segment No. 440, Salmon River Basin and as Stream Segment No. 770 in the Pacific Northwest River Study. The upstream boundary of the nominated stream is the headwaters of the Middle Fork and the downstream boundary is the confluence of the Middle Fork and the main stem of the Salmon River.

The Idaho Mining Association is a statewide trade association representing over 75 companies engaged in mining, mineral processing, mineral exploration and related activities in the state of Idaho. Fifteen of IMA's members are currently producing minerals or developing mines in Idaho. These operating members, plus another 11 exploration members, have active exploration programs in Idaho and other western states. The balance of the membership consists of associate members, companies which provide products and services to the mining industry.

During 1990 Idaho's minerals industry produced over \$344 million of minerals, employed over 6,000 people and paid wages in excess of \$160 million. Mining is important to Idaho's economy and Idaho's mining industry plays an important role in helping meet our nation's mineral needs. Thousands more are employed by companies which supply the materials and services needed by the mining industry. Many of these companies depend on mining activity for their continued business success.

IMA nominates the Middle Fork in an attempt to resolve the contentiousness which developed over last year's nomination of the Middle Fork and 27 of its tributaries as a single Outstanding Resource Water. We recognize that this nomination is not as expansive in its coverage as some individuals and groups would prefer. The nomination is, however, one that can attain the broad support of commodity producers, recreationists, professional environmentalists and the general public. More importantly, this nomination is consistent with the statutory and regulatory requirements for ORW designation and, therefore, has the potential to attain the broad political support necessary to achieve legislative approval.

## **DESCRIPTION**

The Middle Fork of the Salmon River is one of the state's most prominent and pristine rivers. It contains important anadromous fish habitat and its salmon and steelhead runs form the backbone of Idaho's remaining wild anadromous fish

stocks. The Middle Fork supports other outstanding resident fish resources including some of the last strong and genetically pure populations of westslope cutthroat trout.

Water-related recreation on the Middle Fork is an important component of the economy of central Idaho. Thousands of visitors from throughout the world travel to the Middle Fork each year to enjoy boating and fishing.

According to the Idaho Department of Fish and Game:

"The Middle Fork enters the Salmon River at RM191 and all 106 miles are included in the Wild and Scenic Rivers System. The Middle Fork flows through a remote area of central Idaho, which for the most part, lies within the Frank Church River of No Return Wilderness. . . . The tributary streams in the Middle Fork drainage were subjected to glacial action that formed numerous alpine lakes, hanging valleys, glacial till, and moraines. The Middle Fork flows through the Idaho Batholith where the region's rock consists primarily of granites and volcanic. The topography is rugged and steep. The lower part of the drainage is moderate to steep, while headwater streams become nearly flat and meandering.

The seasonal pattern of water temperatures is typical of Rocky Mountain streams. According to Sekulich (1980), approximately 39 inches of precipitation falls primarily as snow. Stream discharges peak during a 2- to 6-week period in May and June as snows melt. The magnitude and timing of spring runoff likely affects steelhead spawning activity (Thurow 1982). As in other batholith streams, hydrochemical analysis indicates that the Middle Fork and tributaries contain relatively low concentrations of various ions. . . .

Recreational use is an extremely important consideration for this drainage. The lower 97 miles of the Middle Fork is only accessible by air, raft or trail. This river has attained national prominence as a recreational area since it offers outdoor enthusiasts opportunities in whitewater experiences, angling, hunting, or passive enjoyment of scenery."

[Draft of SALMON RIVER SUBBASIN: Salmon and Steelhead Production Plan dated September 1, 1989. The lead agency preparing this document was the Idaho Department of Fish and Game and co-writers were the Nez Perce Tribe of Idaho and the Shoshone-Bannock Tribes of Fort Hall.]

## FISH RESOURCES

According to the Idaho Conservation League:

"The salmon and steelhead stocks of the Middle Fork basin are some of the last truly wild runs of anadromous fish remaining in the entire Columbia River Basin. The runs are described as 'wild' because they have never been supplemented by hatchery fish. Thus, the genetic integrity of salmon and steelhead of the Middle Fork Basin has never been compromised by the introduction of fish reared in hatcheries. . . .

The importance of the Middle Fork gene pool cannot be over-emphasized. Anadromous fish endure tremendous rigors during spawning, rearing, and their prodigious migrations to and from the Gulf of Alaska. Only an infinitesimal fraction of the salmon and steelhead fry survive to return and spawn in the tributaries of the Middle Fork. The finely honed traits necessary for survival in this difficult environment are passed from generation-to-generation. Relentless natural selection has especially adapted the wild stocks to be the most productive in their specific spawning habitats and migration routes. Thus, the wild fish possess a special advantage over stocks descended from hatchery fish—which have not been selected based on their survival in the natural environment of the Middle Fork.

These genetic considerations have led fisheries managers to manage the Middle Fork Basin for wild fish with no hatchery supplementation. The genetic integrity of the Middle Fork stocks is considered important for the continued productivity of stocks throughout the Salmon River country."

[Petition to Designate the Middle Fork of the Salmon River and 27 Named Tributaries as Outstanding Resource Waters, submitted July 31, 1991 to the Idaho Board of Health and Welfare by William S. Whelan, Idaho Conservation League Policy Analyst.]

Table 1 shows the chinook and steelhead smolt production capacity of the Middle Fork. While these capacities are relatively large, they are largely underutilized. According the U.S. Forest Service ". . . existing production for anadromous salmonids is only 10-15 percent of habitat capability. Production is primarily limited by passage problems associated with hydro-electric facilities on the Snake

and Columbia Rivers, mixed harvest, and to a lesser extent on habitat degradation within the Basin." (Letter dated November 30, 1990 to Larry L. Koenig, Idaho Division of Environmental Quality from Randall R. Hall, Director Range and Watershed Management, U.S. Forest Service.)

**TABLE 1**

**CHINOOK AND STEELHEAD  
SMOLT PRODUCTION CAPACITY  
MIDDLE FORK SALMON RIVER**

<u>REACH NUMBER</u>	<u>REACH BOUNDARIES</u>	<u>CHINOOK SMOLT</u>	<u>STEELHEAD SMOLT</u>
1706020600100	MOUTH TO GOAT CR.	19,862	2,943
1706020600200	GOAT CR. TO ROARING CR.	46,080	6,827
1706020600300	ROARING CR. TO STODDARD CR.	42,902	6,356
1706020600301	STODDARD CR. TO SHIP ISLAND CR.	67,372	9,981
1706020600400	SHIP ISLAND CR. TO PAPOOSE CR.	4,767	706
1706020600600	PAPOOSE CR. TO BIG CR.	4,767	14,830
1706020604400	BIG CR. TO WATERFALL CR.	3,178	471
1706020604500	WATERFALL CR. TO WILSON CR.	71,504	10,593
1706020606800	WILSON CR. TO SOLDIER CR.	71,504	1,471
1706020604700	SOLDIER CR. TO BRUSH CR.	121,939	16,478
1706020604900	BRUSH CR. TO SHEEP CR.	166,979	13,045
1706020604901	SHEEP CR. TO CAMAS CR.	96,535	13,045
1706020605000	CAMAS CR. TO LOON CR.	324,081	43,795
1706020500100	LOON CR. TO LITTLE LOON CR.	320,725	43,341
1706020500200	LITTLE LOON CR. TO MARBLE CR.	222,284	30,038
1706020500800	MARBLE CR. TO INDIAN CR.	177,827	24,031
1706020501000	INDIAN CR. TO PISTOL CR.	158,775	30,038
1706020501600	PISTOL CR. TO RAPID RIVER	156,778	17,148
1706020501700	RAPID RIVER TO GREYHOUND CR.	39,705	9,870
1706020501701	GREYHOUND CR. TO SOLDIER CR.	148,304	16,221
1706020501800	SOLDIER CR. TO ELKHORN CR.	126,333	19,740
1706020502000	ELKHORN CR. TO SULPHUR CR.	223,790	34,967
1706020502200	SULPHUR CR. TO BOUNDARY CR.	68,581	10,716
1706020502201	BOUNDARY CR. TO DAGGER CR.	36,095	5,640
1706020502202	DAGGER CR. TO BEAR VALLEY CR.	<u>259,885</u>	<u>40,607</u>
<b>TOTALS</b>		<b>3,015,273</b>	<b>422,898</b>

SOURCE: Idaho Rivers System Information Database

Table 2 shows the fish production capability and the existing fish production from National Forest Service Lands within the drainage.

**TABLE 2**  
**FISH PRODUCTION CAPABILITY**  
**AND ACTUAL PRODUCTION**  
**FROM NATIONAL FOREST SERVICE LANDS**  
**WITHIN MIDDLE FORK SALMON RIVER DRAINAGE**

<u>RUN</u>	<u>FISH PRODUCTION CAPACITY</u>	<u>EXISTING FISH PRODUCTION</u>	<u>PERCENT OF CAPACITY</u>
Spring Chinook	3,776,840	607,180	16.1
Summer Chinook	472,890	56,750	12.0
Steelhead	1,064,760	159,720	15.0

SOURCE: U.S. Forest Service based on information from Salmon River Sub-basin Plan, Northwest Power Planning Council, 1989 and observed fish densities from Idaho Department of Fish and Game, monitoring-personal communication, C. Petrosley.

## RECREATION RESOURCES

The Middle Fork is contained entirely within the Frank Church River of No Return Wilderness and recreation activities are limited by the restrictions imposed by this wilderness designation. The area offers outstanding scenery, hiking, backpacking, river running, fishing and hunting opportunities. Many of these activities are organized and operated by professional outfitters and guides.

The most easily documented recreation activity in the Middle Fork region is commercial river running. Tables 3, 4 and 5 show various economic impacts of commercial float trips.

**TABLE 3**

**INCOME TO IDAHO FROM  
COMMERCIAL FLOAT TRIPS TAKEN DOWN  
THE MIDDLE FORK OF THE SALMON RIVER**

<u>YEAR</u>	<u>PEOPLE</u>	<u>ESTIMATED INCOME</u>	<u>SALES TAX (5%)</u>	<u>FOREST SERVICE (3%)</u>
1987	2,272	\$2,334,550	\$116,728	\$70,037
1988	3,650	\$3,750,550	\$187,528	\$112,517
1989	4,778	\$4,909,500	\$245,475	\$147,285

SOURCE: Idaho Division of Environmental Quality based on information received from the Outfitters and Guides Licensing Board, the Sun Valley-Ketchum Chamber of Commerce, and the Idaho Department of Employment.

**TABLE 4**

**PEOPLE EMPLOYED BY  
FLOAT INDUSTRY DURING 1990**

<u>MONTH</u>	<u>NUMBER EMPLOYED</u>
JUNE	129
AUGUST	146
SEPTEMBER	108

SOURCE: Idaho Division of Environmental Quality based on information received from the Outfitters and Guides Licensing Board, the Sun Valley-Ketchum Chamber of Commerce, and the Idaho Department of Employment.

## TABLE 5

### ESTIMATED AREA INCOME FROM FLOAT TRIPS

<u>YEAR</u>	<u>PEOPLE</u>	<u>INCOME TO AREA</u>
1987	2,272	\$397,600
1988	3,650	\$638,750
1989	4,778	\$836,150

SOURCE: Idaho Division of Environmental Quality based on information received from the Outfitters and Guides Licensing Board, the Sun Valley-Ketchum Chamber of Commerce, and the Idaho Department of Employment.

According to Grant Simonds, Executive Director of the Idaho Outfitters and Guides Association:

"The Middle Fork of the Salmon is known nationally as one of the jewels of the recreation opportunity spectrum. During the 1990 whitewater season on the Middle Fork, 9,841 people participated on a float trip. Of those, 5,937 joined on outfitted trips. Even though the last four years have been below normal streamflow levels on the Middle Fork, commercial use on the Middle Fork is up 18 percent since 1987. The Middle Fork is the primary job generator in the Frank Church River of No Return Wilderness (FC-RONRW). Within the outfitting and guiding industry impact on Idaho's economy, estimated to be \$60 million annually, river activities (floating and fishing) constitute the majority of that income. . . .

The bottom line for our industry . . . is clean, free-flowing rivers and streams and quality wildlife habitat. The Frank Church Wilderness is known through Idaho and the nation for both of these qualities, and this reputation is what draws both Idahoans and nonresidents to recreate in this 2.3 million acre chunk of central Idaho. The Middle Fork's

primary desirable characteristic is its water quality. This water quality is the key to all Middle Fork outfitters' businesses."

[Comments of the Idaho Outfitters and Guides Association dated November 10, 1990 concerning the Petition to Designate the Middle Fork of the Salmon River and 27 Named Tributaries as Outstanding Resource Waters.]

## **COMMODITY PRODUCTION AND POTENTIAL**

The central Idaho region which surrounds the Middle Fork Basin is richly endowed with a variety of natural resources including timber, minerals and grazing lands. During the 1990-91 Outstanding Resource Water review process the Division of Environmental Quality requested information on the timber, mineral and grazing resources of the Middle Fork Basin from the U.S. Forest Service. A summary of the response received follows:

### **TIMBER RESOURCES**

**Present sales:** One proposed sale being planned in the Silver Creek drainage which will harvest approximately 500,000 board feet. There are four small sales on the Challis National Forest totaling 329,200 board feet.

**Future sales:** There are no timber sales scheduled in the 5-year plan on the Salmon and Payette National Forests. The Challis NF has a 1,000,000 board-foot sale scheduled for 1995.

The Boise National Forest's Land and Resource Management Plan schedules harvest of 31,000,000 board feet during the period 1990-1999. This timber is valued at \$1,118,000 based on current prices and estimated species composition. Payment in lieu of taxes to be received by county governments is estimated to be \$280,000.

### **MINERAL RESOURCES**

The Boise NF identified 16 patented claims and more than 300 unpatented claims. The Payette NF identified 88 patented claims and more than 1,100 unpatented claims. The Salmon NF identified 31 patented claims and more than 900 unpatented claims. The Challis NF identified 22 patented claims and more than 900 unpatented claims.

The total number of claims identified was 157 patented claims and more than 3,200 unpatented claims.

*[Author's note: A patented claim constitutes private ownership of land obtained under the General Mining Law of the United States. An unpatented claim grants the claim holder certain property rights including the right to access and the right to mine the minerals claimed.]*

Estimates for the Boise NF, the Payette NF and the Salmon NF are based on a review of BLM Mining Claims Recordation Data Microfiche and professional judgment. The Challis NF indicated it does not maintain a list of unpatented mining claims. However, by location there are about 12,000 mining claims located on the Forest.

*[Author's note: The system of recordation used for mining claims makes it very difficult, perhaps impossible, to accurately determine the exact number of unpatented claims in any particular region of the state.]*

The four forests combined identified 10 active mines producing a range of minerals including silver, gold, lead, copper, zinc and yellow opal.

## **GRAZING RESOURCES**

The Boise NF identified five permit holders with a total of 8,181 Animal Unit Months. The Challis NF identified four permit holders with a total of 10,585 Animal Unit Months. The Salmon NF identified one permit holder with a total of 660 Animal Unit Months.

The Forest Service does not put a value on the cost of replacement of grazing lands, but the livestock industry and financial institutions often use an added value that generally ranges from \$300 - \$1,000 per Animal Unit to purchase a ranch with a National Forest grazing permit. This would be the added cost to purchase a ranch with a grazing permit. Replacement grazing (leased) can be acquired for \$8 to \$12 per Animal Unit Month.

## **SOCIOECONOMIC DATA**

The designation of the Middle Fork as an Outstanding Resource Water will have social and economic impacts throughout central Idaho. Tables 6 - 12 list a variety of socioeconomic data for the three counties likely to be most impacted by an ORW designation for the Middle Fork.

**TABLE 6****LAND OWNERSHIP  
(ACRES)**

	<u>CUSTER COUNTY</u>	<u>LEMHI COUNTY</u>	<u>VALLEY COUNTY</u>	<u>TOTAL</u>
FEDERAL	2,955,304	2,651,650	2,031,996	7,638,950
LOCAL	55,456	45,177	69,616	170,249
PRIVATE	143,864	234,309	251,028	629,201
OTHER	<u>7,376</u>	<u>4,864</u>	<u>40,360</u>	<u>52,600</u>
TOTAL	3,162,000	2,936,000	2,393,000	8,491,000

SOURCE: 1990: *The Idaho Political Almanac*, Randy Stapilus, Ridenbaugh Press, 1990.

**TABLE 7****POPULATION**

<u>YEAR</u>	<u>CUSTER COUNTY</u>	<u>LEMHI COUNTY</u>	<u>VALLEY COUNTY</u>	<u>3 COUNTY TOTAL</u>
1980	3,385	7,460	5,604	16,449
1990	4,133	6,899	6,109	17,141
2010 (Projected)	5,500	11,380	9,540	26,420

SOURCES: 1990: *The Idaho Political Almanac*, Randy Stapilus, Ridenbaugh Press, 1990; *Idaho Employment*, Volume 3, Number 5; Idaho Department of Employment; May, 1991.

## TABLE 8

### AGRICULTURE PRODUCTION (1987)

	<u>CUSTER COUNTY</u>	<u>LEMHI COUNTY</u>	<u>VALLEY COUNTY</u>	<u>3 COUNTY TOTAL</u>
Wheat (Bushels)	39,000	7,000	11,000	57,000
Barley (Bushels)	215,000	144,000	34,000	393,000
Head of Cattle	37,000	43,500	9,200	89,700
Head of Sheep	4,000	4,000	300	8,300

SOURCE: 1990: *The Idaho Political Almanac*, Randy Stapilus, Ridenbaugh Press, 1990.

## TABLE 9

### PROPERTY TAX COLLECTIONS

	<u>CUSTER COUNTY</u>	<u>LEMHI COUNTY</u>	<u>VALLEY COUNTY</u>	<u>3 COUNTY TOTAL</u>
1980	\$665,613	\$1,331,674	\$1,812,408	\$3,809,695
1990	\$2,262,903	\$2,137,447	\$6,314,730	\$10,715,080

SOURCE: Idaho State Tax Commission

**TABLE 10**  
**INDIVIDUAL INCOME COLLECTIONS**  
**Tax Year 1989**

<u>CUSTER COUNTY</u>	<u>LEMHI COUNTY</u>	<u>VALLEY COUNTY</u>	<u>3 COUNTY TOTAL</u>
\$1,312,717	\$1,616,967	\$2,473,002	\$5,402,686

SOURCE: Idaho State Tax Commission

**TABLE 11**  
**SALES TAX COLLECTIONS**

<u>FISCAL YEAR</u>	<u>CUSTER COUNTY</u>	<u>LEMHI COUNTY</u>	<u>VALLEY COUNTY</u>	<u>3 COUNTY TOTAL</u>
1980				
Total Taxables*	\$10,289,476	\$26,718,980	\$23,338,212	\$60,346,668
Tax Paid	\$301,937	\$799,112	\$704,953	\$1,806,002
1990				
Total Taxables*	\$18,749,432	\$38,139,354	\$33,600,186	\$90,488,972
Tax Paid	\$939,929	\$1,907,064	\$1,703,459	\$4,550,452

\*Items subject to sales and use taxes

SOURCE: Idaho State Tax Commission

**TABLE 12**

**NONAGRICULTURAL WAGE  
AND SALARY WORKERS  
ANNUAL AVERAGES**

<u>CATEGORY</u>	<u>CUSTER</u>		<u>LEMHI</u>		<u>VALLEY</u>		<u>3 COUNTY TOTAL</u>	
	<u>1988</u>	<u>1989</u>	<u>1988</u>	<u>1989</u>	<u>1988</u>	<u>1989</u>	<u>1988</u>	<u>1989</u>
Lumber	0	0	197	197	189	187	386	384
Mining	427	478	8	18	78	97	513	593
Construction	0	0	24	28	137	165	161	189
Transportation, Communi- cations & Utilities	69	63	100	91	81	85	250	239
Trade	213	210	454	492	567	624	1,234	1,326
Finance, Insurance & Real Estate	37	41	61	67	98	102	196	210
Service & Misc.	275	324	258	270	407	400	940	994
Government Administration	285	293	495	529	624	684	1,404	1,506
Education	148	147	186	187	188	206	522	540
<b>TOTALS</b>								
Manufacturing	12	12	272	260	218	187	502	459
Non-Manufacturing	<u>1,468</u>	<u>1,561</u>	<u>1,585</u>	<u>1,683</u>	<u>2,180</u>	<u>2,363</u>	<u>5,233</u>	<u>5,607</u>
<b>Totals</b>	<b>1,480</b>	<b>1,573</b>	<b>1,857</b>	<b>1,943</b>	<b>2,398</b>	<b>2,550</b>	<b>5,735</b>	<b>6,066</b>

SOURCE: Basic Economic Data for Idaho, 1988 & 1989; Idaho Department of Employment.

## **WATER QUALITY DATA**

The water quality of the Middle Fork is commonly referred to as "pristine" or "pure" yet much of the water quality data available is based on professional judgment and anecdotal information. The only specific water quality information included in last year's nomination of the Middle Fork and 27 of its tributaries was derived from the *Idaho Water Quality Status Report and Nonpoint Source Assessment 1988* prepared by the Division of Environmental Quality, Department of Health and Welfare.

This document, based on evaluated rather than monitored data, reports that the major nonpoint sources impacting the Middle Fork are irrigated crop production and rangeland, that the magnitude of impact is low and that the beneficial uses of domestic water supply, agricultural water supply, cold water biota, salmonid spawning, and primary and secondary contact recreation are all being fully supported.

Some limited water quality data for the Middle Fork has been collected by the U.S. Forest Service over the past 20 years. Janice Staats, a hydrologist for the Challis National Forest, indicates that these data are based on grab samples and are not depth integrated. The data has not been compiled, published or subjected to rigorous analysis or verification. We received the raw data for six monitoring stations on July 29. Once we have reviewed this data we will provide it as Appendix A to this nomination.

We strongly urge the use of empirical water quality data to establish that a candidate for ORW designation meets the high quality water standard contained in the law. As additional water quality data becomes available we will provide it to the Board of Health and Welfare in support of our nomination.

## **STATUTORY REQUIREMENTS**

Idaho Code §39-3614 through 3618 delineates the requirements for an Outstanding Resource Water. Those statutory provisions state that an Outstanding Resource Water must be an individual stream segment, must be a high quality water and must be a water of exceptional recreational or ecological significance. A stream meeting these specifications is eligible for designation by the Legislature as an Outstanding Resource Water.

The Middle Fork meets all of these statutory requirements for designation as an ORW. First, the Middle Fork is an individual stream segment (Number 440, Salmon Basin in the Idaho stream segment numbering system and Number 770 in the Pacific Northwest Rivers Study stream segment numbering system.)

Second, the empirical water quality data which is available and the best professional judgment based on evaluated data all indicate that the Middle Fork is a high quality water. As mentioned previously, we are currently compiling additional empirical data which we are confident will support the conclusion that the Middle Fork meets the statutory high quality water requirement.

Finally, the Middle Fork is of both recreational and ecological significance. As detailed previously in this nomination, the Middle Fork offers outstanding recreational opportunities, particularly for river running, and offers excellent habitat for several important fish species.

## **RECOMMENDATIONS**

### Public Hearings

The ORW regulations provide that public hearings may be held at the Board of Health and Welfare's discretion on any stream segment nominated for ORW designation. Because the Middle Fork, as well as 27 of its tributaries, was the subject of six hearings during 1990, we recommend that the Board not hold hearings on this nomination. We feel that all relevant information pertaining to the Middle Fork was presented during last year's hearings and that the cost to the public to hold another round of hearings is not justified. The Board may want to consider holding a single hearing to accept testimony concerning this specific nomination but statewide hearings do not appear to be necessary.

### Legislation

Proposed legislative language to designate the Middle Fork of the Salmon River as an Outstanding Resource Water is included as Attachment 1. This proposal draws extensively on the legislative proposal submitted by the Board of Health and Welfare to the 1991 Idaho Legislature.

Proposed legislative language to address the issue of state agency management of activities on Outstanding Resource Waters is included as Attachment 2. This proposal draws on the legislative proposal submitted by the Board of Health and Welfare to the 1991 Idaho Legislature (S. 1155) and incorporates several of the concepts accepted by the Idaho Senate during its consideration of S. 1155.

Following the Senate's amending of S. 1155 the Idaho Mining Association indicated its willingness to defer consideration of the amended bill in hopes that a compromise among interested parties might be reached and submitted to the 1992 Legislature. We have since been informed by several environmental groups that they are not interested in discussing the issues raised in the legislation.

We reiterate our willingness to discuss these issues with other interest groups with the goal of developing compromise language acceptable to all concerns. The issue is of grave concern to us, and we hope it will be resolved during the 1992 Legislature.

#### Water Quality Monitoring

As mentioned previously, little empirical water quality data is available on the Middle Fork. If the Middle Fork is designated as an ORW we recommend that the Legislature appropriate funds to the Division of Environmental Quality to develop a water quality monitoring plan for the Middle Fork. We also recommend that this monitoring program utilize the expertise of the Idaho Water Resources Research Institute to gather data and to characterize the water quality of the Middle Fork.

### **CONCLUSIONS**

As one of the negotiators of the original Antidegradation Agreement the Idaho Mining Association continues to support the concept of Outstanding Resource Waters. During the antidegradation negotiations, as well as during the legislative debate on legislation to implement the agreement, we consistently indicated our view that there were streams in Idaho which deserved this very special protective status.

There can be little doubt that the Middle Fork of the Salmon River is one of the state's and the nation's premier waterways. It appears obvious to us that the Middle Fork is just the type of water envisioned when the Outstanding Resource Water category was created. We strongly urge the Board of Health and Welfare to recommend to the 1992 Legislature that the Middle Fork of the Salmon River be designated the state's first Outstanding Resource Water.



Jack Lyman  
Executive Director  
Idaho Mining Association  
July 31, 1991



**IDAHO  
CONSERVATION  
LEAGUE**

P.O. BOX 844, BOISE, ID 83701  
(208) 345-6933

Idaho Dept. of Health & Welfare  
Administrative Procedure Section  
RECEIVED & FILED

JUL 31 1991

DOCKET NO. 1000-914

July 31, 1991

HAND DELIVERED

Board of Health and Welfare  
Idaho Department of Health and Welfare  
450 W. State Street  
Boise, ID 83720

Re: OUTSTANDING RESOURCE WATER NOMINATION

Dear Chairwoman Barsness and Members of the Board:

Enclosed is the 1991 nomination for Outstanding Resource Waters (ORWs) submitted by the Idaho Conservation League (ICL).

Some long discussions were held by the ICL Board of Directors to arrive at this nomination. We believe a true compromise was reached and that the enclosed petition represents the most outstanding and critical waters in the Middle Fork Salmon River drainage.

We propose, in addition to the mainstem Middle Fork, the headwaters tributaries of Bear Valley Creek, Marsh Creek and Elk Creek for designation as ORWs. Together, these tributaries represent over 75% of the anadromous fish spawning habitat in the entire Middle Fork drainage. Any measure to protect the water quality of the Middle Fork and its valuable salmon runs must include protection of these tributaries.

We welcome any questions or comments regarding this nomination and look forward to working with the Board during the review and evaluation process.

Sincerely,

Patricia C. Klahr  
Water Quality Director

STATE OF IDAHO  
BOARD OF HEALTH AND WELFARE

IDAHO CONSERVATION LEAGUE,	) PETITION TO DESIGNATE ) THE MIDDLE FORK OF THE ) SALMON RIVER, MARSH ) CREEK, BEAR VALLEY CREEK ) AND ELK CREEK AS ) OUTSTANDING RESOURCE ) WATERS
Petitioner	

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The Idaho Conservation League hereby petitions the Idaho Board of Health and Welfare to recommend that the Middle Fork of the Salmon River, Marsh Creek, Bear Valley Creek and Elk Creek be designated by the Idaho Legislature as outstanding resource waters under Idaho Code §39-3614 through 3618.

The Idaho Conservation League (ICL) is a statewide organization dedicated to the preservation and wise use of Idaho's natural resources.<sup>1</sup> ICL has about 1,800 members throughout the state and twelve chapters.

**INTRODUCTION**

On June 27, 1991 the National Marine Fisheries Service proposed listing the Snake River spring and summer chinook as threatened species under the Endangered Species Act. This decision was based on the best scientific and commercial information available that Snake River spring and summer chinook are in jeopardy and are likely to become endangered in the near future. Currently, the abundance of these fish is about 0.5 percent of the estimated historical abundance. The National Marine Fisheries Service will decide within one year whether the proposed listing should be made final. Protective measures, including the development of a recovery plan, would be implemented if the listing is finalized.

The Middle Fork Salmon River is the most important natural chinook salmon and steelhead producing watershed in Idaho and perhaps in the entire Columbia River Basin. Its salmon and steelhead runs form the backbone of Idaho's remaining wild anadromous fish stocks. These fish complete an amazing migration of over 800 miles from the ocean to spawn in tributaries to the Middle Fork such as Bear Valley Creek, Elk Creek and Marsh Creek.

The water quality in much of the Middle Fork Basin is protected by the Frank Church River of No Return Wilderness. However, the tributaries of the Middle Fork named in this petition drain areas outside the wilderness.

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<sup>1</sup> The Idaho Conservation League's address and phone number are: P.O. Box 844, Boise, Idaho 83701; 345-6933.

These streams are potentially threatened by a wide range of human activities, including mining and roadbuilding. This petition is intended to ensure that human activities do not degrade the water quality of the three most important salmon spawning tributaries of the Middle Fork, which are Bear Valley Creek, Marsh Creek and Elk Creek, and to protect the mainstem Middle Fork as well.

## OUTSTANDING RESOURCE WATERS NOMINATION

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**Section 01.2053.01 (a): The name, description, and location of the stream segments; (b) The boundaries upstream and downstream of the stream segment**

<u>Name</u>	<u>Upper Boundary</u>	<u>Lower Boundary</u>
Middle Fork Salmon R.	Bear Valley Cr./Marsh Ck.	Salmon River
Elk Cr.	Headwaters	Bear Valley Ck.
Marsh Cr.	Headwaters	Mid. Fk. Salmon
Bear Valley Cr.	Headwaters	Mid. Fk. Salmon

Additional information regarding length, width, anadromous and resident fish habitat and potential production, recreation, and wildlife/riparian values can be found on printouts from the Idaho Rivers System Information Database. These printouts are enclosed as Appendix A.

### **Middle Fork Salmon River**

The Middle Fork of the Salmon River is a nationally designated Wild and Scenic river wholly contained within the Frank Church River of No Return Wilderness. Bear Valley Creek and Marsh Creek join to form the headwaters of the Middle Fork. The Middle Fork flows northward through Valley, Lemhi and Custer counties to its confluence with the Salmon River.

### **Bear Valley Creek**

Bear Valley Creek is 37 miles long with a watershed of about 180 square miles. Bear Valley Creek flows northeasterly through Valley County to its confluence with the Marsh Creek to form the Middle Fork in T.13 N. R.10 E.

### **Marsh Creek**

Marsh Creek, located in Custer County, flows northwesterly to join Bear Valley Creek and form the Middle Fork in T. 13 N. R. 10 E.

### **Elk Creek**

Elk Creek is a 22-mile long tributary to Bear Valley Creek. Its headwaters are in the Frank Church River of No Return Wilderness. It flows south out of the wilderness and then flows easterly until its confluence with Bear Valley Creek.

**2. Section 01.2053.01 (c): An explanation of what makes the segment a candidate for the designation.**

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Outstanding resource waters (ORW) are defined as "high quality waters, such as waters of national and state parks and wildlife refuges, and waters of exceptional recreational or ecological significance" (IDHW 1990).

**The Middle Fork of the Salmon River**

*Middle Fork Salmon River is of Paramount Importance to the Survival of Idaho's wild Salmon*

The Middle Fork of the Salmon is the most important anadromous fish producing watershed within the Salmon River Basin and probably in the Columbia River Basin, both in terms of the number and the genetic make-up of the fish produced. And Bear Valley, Marsh and Elk Creeks are the most important anadromous fish spawning waters in the Middle Fork basin.

The salmon and steelhead stocks of the Middle Fork basin are some of the last truly wild runs of anadromous fish remaining in the entire Columbia River Basin. The runs are described as "wild" because they have never been supplemented by hatchery fish (IDFG 1989).

The importance of the Middle Fork gene pool cannot be over-emphasized. Only an infinitesimal fraction of the salmon and steelhead fry survive the tremendous rigors of spawning, rearing, and their prodigious migrations to and from the Gulf of Alaska. The finely honed traits necessary for survival in this difficult environment are passed from generation-to-generation. Relentless natural selection has especially adapted the wild stocks to be the most productive in their specific spawning habitats and migration routes.

The genetic integrity of the Middle Fork stocks is considered important for the continued productivity of stocks throughout the Salmon River country. Proposed management of the Middle Fork stocks is based on the premise that preservation of genetic fitness and diversity of the Middle Fork wild stock is important to the long-term vitality of Snake River spring chinook. (IDFG 1989).

The severely depressed status of Idaho chinook populations adds urgency to this nomination. The proposal to list spring and summer chinook as threatened species makes the need for habitat protection even more important. There is no room for decreased productivity of the Middle Fork stocks because hatchery supplementation will not be available as a back-up to the natural spawning process.

### *The Middle Fork Salmon River has a Valuable Resident Fishery*

The Middle Fork Salmon River possesses outstanding resident fish values, as described in the Idaho Rivers System Information Database. Species of special concern include westslope cutthroat trout and bull trout (dolly varden).

The Middle Fork's population of westslope cutthroat trout merit special attention. A recent study by the Idaho Department of Fish and Game documents the rapid decline of the westslope cutthroat trout and shows that the fish were remnant or absent in 45% of their historic range (Rieman, B.E. and K.A. Apperson 1989). Many of the last strong populations and genetically pure strong populations of westslope cutthroat trout inhabit the streams named in this petition. These fish provide are the cornerstone of a million dollar recreation-based industry in the basin.

### *The Middle Fork Salmon River is Critical to Central Idaho's Economy*

Water-related recreation in the Middle Fork Basin is one of the mainstays of the economy of Central Idaho. Every year, thousands of visitors from throughout the world travel to the Middle Fork Basin to enjoy boating, fishing, and other pursuits. The Middle Fork of the Salmon River is a designated federal Wild and Scenic River.

Last year, nearly 10,000 people floated the Middle Fork (Board of Health and Welfare 1991). One of the prime attractions of the Middle Fork is the purity of the waters of the Middle Fork Basin. The Middle Fork would not get the kind of national recognition it receives without its exceptional water quality.

### *The Middle Fork Salmon River is of National Significance*

The Middle Fork Salmon River has some of the highest quality water statewide and nationally. Furthermore, the Middle Fork is a high water quality benchmark, and would be a logical candidate for U.S. Environmental Protection Agency pristine reference stream for this ecoregion (IDHW 1991).

### **The Tributaries of the Middle Fork: Bear Valley Creek, Marsh Creek and Elk Creek**

The tributaries of the Middle Fork are of paramount importance to maintenance of water quality and fisheries (IDHW 1991). The Middle Fork exclusive of its tributaries has a rather small watershed draining directly to its waters. The majority of the water coursing down the Middle Fork comes from the tributary watersheds. *Impact of nonpoint source activities on the Middle Fork's water quality can only be managed by inclusion of the tributaries in part or whole* (IDHW 1991).

The bulk of the basin's spawning and rearing habitat for both anadromous and resident fish is located in the tributaries of the mainstem. *The drainages of Bear Valley, Marsh Creek and Elk Creek combined represent 75% of the salmon spawning habitat in the entire Middle Fork Salmon River*

The basin's tributaries, independent of their fisheries resources, represent an important economic value because they supply the pristine water for the Middle Fork mainstem. Moreover, many Middle Fork visitors leave the mainstem for side trips up the tributaries. Additionally, most of the trails for horse and foot traffic to the Middle Fork follow the tributaries.

### **Bear Valley Creek**

Bear Valley Creek has been identified as having critically important anadromous fish habitat (Petrosky, C.E. and L.B. Everson 1988). An analysis of redd counts indicates that the Bear Valley Creek drainage contains over 50% of all anadromous fish habitat in the Middle Fork Salmon River drainage. Furthermore, the Northwest Power Planning Council has identified Bear Valley Creek capable of producing 5% of the salmon and steelhead in the entire Columbia River Basin (Board of Health and Welfare 1991).

Clearly, this water is of national importance and of "exceptional ecological significance" (IDHW 1990).

Bear Valley Creek also offers additional recreational and natural resource values. Bear Valley Creek is the only designated "Idaho Wildlife Viewing Area" in the region (USFS 1990). In addition, the Forest Service reports approximately 15-20 float trips per season occur on Bear Valley Cree.

### **Marsh Creek**

Hydrologically, Marsh Creek is the Middle Fork of the Salmon River with a different name. This headwaters stream is a clear extension of the Middle Fork drainage.

An analysis of redd counts by the Idaho Department of Fish and Game indicates that the Marsh Creek drainage comprises 27% of the anadromous spawning in the Middle Fork Salmon River system. Marsh Creek has an estimated fish production potential of nearly 350,000 spring chinook salmon and 45,000 steelhead smolts.

Marsh Creek is a pristine drainage with high quality habitat, and is frequently used as a reference stream to place the quality of other streams in perspective (Petrosky, C.E. and L.B. Everson 1988).

Marsh Creek is clearly of outstanding quality and exceptional ecological significance.

### **Elk Creek**

Elk Creek is the largest tributary to Bear Valley Creek and its headwaters are within the Frank Church River of No Return Wilderness.

Elk Creek contains valuable anadromous spawning habitat and accounts for 37% of the spring chinook production potential in the Bear Valley Creek drainage. As Bear Valley Creek provides 50% of all anadromous spawning habitat in the Middle Fork drainage, Elk Creek is a vital component to this integrated system. Elk Creek is a water of exceptional ecological significance.

**Section 01.2053.01 (d): A description of the existing water quality and any technical data upon which the description is based as can be found in the most current basin status reports.**

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Information concerning existing water quality and nonpoint sources of water pollution in the Middle Fork of the Salmon River and its three headwaters tributaries is contained in the Salmon River Basin Status Report (1989) and the Idaho Water Quality Status Report and Nonpoint Source Assessment (1988).

### **Middle Fork Salmon River**

Most of the Middle Fork drainage and aquatic habitat lies in a pristine wilderness state and habitat quality is good to excellent. However, some notable exceptions exist. Important as salmon and steelhead habitat, portions of the headwater streams such as Bear Valley and Marsh Creeks lie outside the wilderness area and have been degraded to various degrees by mining, grazing and logging (IDFG 1989).

In identifying factors for the decline of the chinook salmon, the National Marine Fisheries Service reports that: "Within the portions of the Columbia River Basin that are still accessible, salmon and steelhead habitat has decreased from approximately 21,000 miles historically to approximately 16,000 miles in 1990, largely due to management practices on U.S. Forest Service land. Within Idaho, sediment has increased due to widespread logging, road building and associated activities" (NMFS 1991).

It is further reported that mining has had profound effects on spring and summer chinook habitat through stream channel alteration, discharge of toxic effluents and increased sedimentation (NMFS 1991).

### **Bear Valley Creek**

The chemical water quality of Bear Valley Creek is relatively high and no reported contamination of water chemistry has occurred (IDHW 1988). However, hydrologic modification of the stream channel, destabilization of streambanks, and sedimentation of fish habitat has caused extensive damage. The primary impact reported to Bear Valley Creek is moderate to high siltation and sedimentation of fish habitat.

Sediment levels in Bear Valley Creek increased from 29% surface sand in 1941 to 40% in 1985 (Petrosky, C.E. and L.B. Everson 1988). Sedimentation is a result of dredge mining and heavy livestock use. Cattle have eliminated the riparian zone. In the 1950's, dredge mining for placer deposits in upper Bear Valley Creek induced catastrophic sedimentation to important spawning and rearing areas. Miners dug canals into depositional bottom lands and diverted the stream, causing breaching and scouring. In 1969, managers filled in the canal system and allowed the stream to find its own channel. Today, under a Bonneville Power Administration (BPA) project, managers are trying to rectify the problem. Biologists estimate that extensive heavy livestock use of meadow areas could be as large or a larger source of sediment transport into the stream (IDFG 1989).

This sedimentation is impacting the fishery of Bear Valley Creek. The Idaho Department of Fish and Game reports that wild salmon and steelhead densities in the sedimented portions of Bear Valley Creek have remained very low, especially as compared to stream with less sediment (Petrosky, C.E. and L.B. Everson 1988).

#### **Elk Creek**

Elk Creek originates in the wilderness and its headwaters have high water quality. However, as Elk Creek flows out of the wilderness area, the amount of sedimentation of stream bottom increases. It has been reported that Elk Creek had higher levels of sand than the other streams surveyed in Bear Valley (Andrews, J. 1988). The level of sediment in Elk Creek increased from 41% in 1941 to 49% in 1985 (Petrosky, C.E. and L.B. Everson 1988).

Logging, livestock grazing, and mass erosion in the Bearskin Creek watershed have increased sedimentation above natural levels in Elk Creek. Streambanks and riparian habitat has disappeared in reaches where livestock graze. On-going BPA projects are trying to reduce the sediment (IDFG 1989).

Steelhead and salmon densities in Elk Creek have remained low due to sedimentation (Petrosky, C.E. and L.B. Everson 1988). Estimates of egg-to-fish survival for chinook salmon redds in Elk Creek were only 1.2% as compared to 29% in less sedimented creeks.

#### **Marsh Creek**

Habitat in Marsh Creeks is reported to be in excellent to good condition (Andrews, J. 1988). Marsh Creek has a reported surface sand composition of only 17.8%.

However, livestock grazing has degraded riparian zones in Marsh Creek. Streambanks in Marsh Creek have become unstable and sediment loads have increased. Although portions of Marsh Creek are moderately degraded, other tributaries such as Beaver, Capehorn and Knapp creeks are still pristine (IDFG 1989).

**Section 01.2053.01 (e): A discussion of the types of nonpoint source activities currently being conducted that may lower water quality, together with those activities that are anticipated during the next two years, as described in the most current basin status reports.**

A technical analysis prepared by the Idaho Department of Health and Welfare, Division of Environmental Quality for the Senate Resources and Environment Committee during the 1991 Legislative session contains the most current and accurate assessment of the types on nonpoint source activities being conducted in drainages of the proposed ORWs (Board of Health and Welfare 1991).

#### **Middle Fork Salmon River**

The Middle Fork Salmon River is a nationally designated Wild and Scenic River and wholly contained in the Frank Church River of No Return Wilderness. Road building and timber harvesting are prohibited within the wilderness boundary, but mining on proven claims and grazing occur and can continue with an ORW designation.

The Middle Fork exclusive of its tributaries has a rather small watershed draining directly to its waters, the majority of which is in the wilderness. No new nonpoint source activities are known to be proposed for this area.

#### **Bear Valley Creek**

The nonpoint source activities occurring in the Bear Valley creek drainage (grazing and timber harvest) are existing uses permitted under the ORW regulations (IDHW 1991). The existing 3 cattle allotments in Bear Valley Creek constitute 1.3% of the cattle on National Forest Lands in Idaho.

The only planned activity in the drainage is a timber harvest of 31 million board feet over a 10 year period. There are numerous mining claims filed in the drainage, but it is unknown if or when they will be worked. There is only one patented claim, Bear Valley Placer.

#### **Elk Creek**

The nonpoint source activities occurring in the Elk Creek drainage (grazing, mining) are existing uses permitted under the ORW regulations (IDHW 1991).

It is unknown if any new activities are proposed within the Elk Creek drainage.

#### **Marsh Creek**

The nonpoint source activities occurring in the Marsh Creek drainage (grazing) are existing uses permitted under the ORW regulations (IDHW 1991). There is one existing sheep allotment for an estimated 9000 animal unit months (AUMs).

However, a permittee in the Marsh Creek Management Area has requested the Challis National Forest permanently retire a portion of their allotment in a volunteer effort to enhance critical chinook salmon spawning grounds in the Marsh Creek drainage (Letter from John Sandy, Sandy Livestock, 1991, Appendix B.) If the Forest Service accepts their offer 600 pairs of mature sheep and their lambs will be permanently removed.

No timber or mining activities are proposed for the Marsh Creek drainage (Board of Health and Welfare 1991).

**Section 01.2053.01 (f): Any additional evidence to substantiate such a designation.**

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ORW status is consistent with the management goals of the Idaho Department of Fish and Game and the Boise National Forest.

The Idaho Department of Fish and Game sets "Habitat Degradation Standards" for all of Idaho's anadromous fish streams. The Middle Fork Salmon River and its tributaries have the highest rating, requiring "no man cause reduction from full natural production capacity" (IDFG 1989). However, the Idaho Department of Fish and Game does not have the water quality authorities necessary to implement their objectives. That task is up to other agencies, and as in this case, possibly the Idaho Legislature.

The Boise National Forest Plan establishes the desired future condition for fisheries habitat on the forest as follows: "Anadromous and resident fish display an **improved condition** for those streams in a previously degraded condition, and are protected to **maintain current conditions** where streams are in good condition." This is consistent with an ORW designation, which maintains current water quality.

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**IDAHO  
CONSERVATION  
LEAGUE**

P.O. BOX 844, BOISE, ID 83701  
(208) 345-6933

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September 4, 1991

Wylla Barsness, Chair  
Idaho Board of Health and Welfare  
Statehouse Mail  
Boise, ID 83720

Dear Ms. Barsness:

After participating on recent field trips and talking with agency specialists, the Idaho Conservation League would like to submit two changes to our Outstanding Resource Water nomination submitted to the Board of Health and Welfare on July 31, 1991. The changes we are submitting are both with regards to the discussion of the existing water quality of Bear Valley Creek, found on page 7 of our nomination.

The first paragraph on page 7, taken from the draft Salmon River Subbasin Plan prepared by the Idaho Department of Fish and Game for the Columbia River Basin Fish and Wildlife Program, states: "Cattle have eliminated the riparian zone." Clearly, the riparian zone cannot be eliminated; it is a physical attribute of the stream. As this statement is misleading, we would like to delete it from our nomination.

The other change we are submitting is the deletion of the last sentence in the same paragraph, also taken from the Salmon River Subbasin Plan. This sentence reads, "Biologists estimate that extensive heavy livestock use of meadow areas could be as large or a larger source of sediment transport into the stream." This sentence is in reference to an old placer mine that operated on Bear Valley Creek in the 1950's.

ICL members, including Board member Gary Richardson, recently participated on a tour of Bear Valley Creek conducted by the Idaho Watershed Improvement Forum. A visual inspection of many reaches of Bear Valley Creek, combined with a detailed tour of the old placer mine site, revealed that the riparian area of Bear Valley Creek is in a fairly healthy state and that the placer mine was indeed a great contributor of sediment. Again, as this sentence might not be currently accurate, we are deleting it from our nomination.

I hope that you and the other members of the Board of Health and Welfare will agree, that as new data and information are generated, we should avail ourselves to it. The ICL strives for accuracy and clarity.

Sediment levels in Bear Valley Creek increased from 29% surface sand in 1941 to 40% in 1985 (Petrosky, C.E. and L.B. Everson 1988). Sedimentation is a result of dredge mining and heavy livestock use. In the 1950's, dredge mining for placer deposits in upper Bear Valley Creek induced catastrophic sedimentation to important spawning and rearing areas. Miners dug canals into depositional bottom lands and diverted the stream, causing breaching and scouring. In 1969, managers filled in the canal system and allowed the stream to find its own channel. Today, under a Bonneville Power Administration (BPA) project, managers are trying to rectify the problem.

This sedimentation is impacting the fishery of Bear Valley Creek. The Idaho Department of Fish and Game reports that wild salmon and steelhead densities in the sedimented portions of Bear Valley Creek have remained very low, especially as compared to stream with less sediment (Petrosky, C.E. and L.B. Everson 1988).

### **Elk Creek**

Elk Creek originates in the wilderness and its headwaters have high water quality. However, as Elk Creek flows out of the wilderness area, the amount of sedimentation of stream bottom increases. It has been reported that Elk Creek had higher levels of sand than the other streams surveyed in Bear Valley (Andrews, J. 1988). The level of sediment in Elk Creek increased from 41% in 1941 to 49% in 1985 (Petrosky, C.E. and L.B. Everson 1988).

Logging, livestock grazing, and mass erosion in the Bearskin Creek watershed have increased sedimentation above natural levels in Elk Creek. Streambanks and riparian habitat has disappeared in reaches where livestock graze. On-going BPA projects are trying to reduce the sediment (IDFG 1989).

Steelhead and salmon densities in Elk Creek have remained low due to sedimentation (Petrosky, C.E. and L.B. Everson 1988). Estimates of egg-to-fish survival for chinook salmon redds in Elk Creek were only 1.2% as compared to 29% in less sedimented creeks.

### **Marsh Creek**

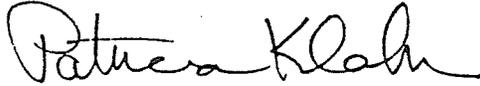
Habitat in Marsh Creeks is reported to be in excellent to good condition (Andrews, J. 1988). Marsh Creek has a reported surface sand composition of only 17.8%.

However, livestock grazing has degraded riparian zones in Marsh Creek. Streambanks in Marsh Creek have become unstable and sediment loads have increased. Although portions of Marsh Creek are moderately degraded, other tributaries such as Beaver, Capehorn and Knapp creeks are still pristine (IDFG 1989).

Enclosed is a replacement page for our petition to designate the Middle Fork of the Salmon River, Marsh Creek, Bear Valley Creek and Elk Creek as Outstanding Resource Waters. Please insert this page as Page 7, and discard the old page.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Klahr". The signature is written in black ink and is positioned above the typed name.

Patricia C. Klahr  
Water Quality Director

cc: D. Korey Lowder, Administrative Procedure Section  
Idaho Watershed Improvement Forum  
ICL Board of Directors  
Jim Little

RON BEITELSPACHER  
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COMMITTEE  
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RESOURCES & ENVIRONMENT

# Idaho State Senate

CAPITOL BUILDING  
BOISE, IDAHO 83720

July 31, 1991

Idaho Dept. of Health & Welfare  
Administrative Procedure Section  
RECEIVED & FILED

AUG 1 1991

DOCKET NO. 1600-9101

To the Idaho Board of Health and Welfare:

I do hereby respectfully nominate various stretches of the Selway River and tributaries thereto as Outstanding Resource Waters and request that the Idaho Board of Health and Welfare designate various stretches of the Selway River or tributaries thereto as Outstanding Resource Waters under Sections 39-3614 through 39-3618, Idaho Code. I would like to emphasize that I am not nominating the entire length of the Selway River and tributaries thereto as Outstanding Resource Waters but certain stretches and segments of the Selway River and tributaries thereto as Outstanding Resource Waters. The Selway River is located in the Clearwater-Salmon Basins which are bounded by the Bitterroot Mountains on the north and east, the Arco desert and Boulder Mountains on the south, the Sawtooth Mountains on the southwest, and the Seven Devils Mountains on the west. Within the basins lies 111 miles of the Selway River in the National Wild and Scenic Rivers System.

Of the 15,694,300 acres of land in the Clearwater-Salmon Basins, 66 percent (10,391,000) acres is included in the national forests of Clearwater, Bitterroot, Salmon, Challis, and portions of the Payette, Boise and Sawtooth. Nearly 75 percent of the land in the basins is owned by the federal government. Private land comprises only 21 percent of the total land area in the Clearwater-Salmon Basins. Much of the private land, primarily plots fronting on streams, rivers or lakes is rapidly being converted from agricultural to recreational use. This type of conversion from small farms to dense concentrations of summer cabins, trailer sites and second homes without sound land use planning or adequate regulations or provisions for water and sewerage service has created some severe aesthetic and water quality problems.

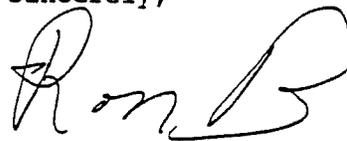
Recreational resources in the region include the Selway-Bitterroot Wilderness which the Selway River and some of its tributaries flows through. The Selway River is one of the state's most pristine rivers. Inclusion of stretches of the river and some of its tributaries as an Outstanding Resource Water would be a very important step toward protecting anadromous fish habitat and its salmon and steelhead producing areas. The Selway River is located in the Selway-Bitterroot Wilderness area. From the Meadow Creek bridge upstream, the river is managed by the Department of Fish and Game as wild trout waters. The Department of Fish and Game has restricted seasons for Salmon and Steelhead on some of the tributaries to

the Selway River. Additionally, the Department of Fish and Game recognizes that the Selway River and some of its tributaries is an important spawning area for salmon and steelhead. Additionally, portions of the Selway River serve as a place for staging of the Nez Perce Indian Tribes cultural fishing ceremonies, although these have been curtailed because of a relative lack of salmon and steelhead returning in recent years. Also, the employees of the Department of Fish and Game have describe the cutthroat fishing opportunities on the Selway as "wonderful."

Along with fishing opportunities, Idaho's recreational industries could benefit by having certain portions of the Selway River and some of its tributaries declared as Outstanding Resource Waters. The area offers outstanding scenery, hiking, backpacking, river running, fishing and hunting opportunities. Many of these activities are organized and operated by professional outfitters and guides. One of the desirable characteristics of the Selway River and its tributaries is its water quality. This water quality is the key to Selway outfitters' businesses.

Sections 39-3614 through 39-3618, Idaho Code, provides the requirements for an Outstanding Resource Water. Those statutory provisions state that an Outstanding Resource Water must be an individual stream segment, must be high quality water and must be a water of exceptional recreational or ecological significance. A stream or portion thereof meeting those specifications is eligible for designation by the Legislature as an Outstanding Resource Water. Portions of the Selway River and tributaries thereto meets all of these statutory requirements for designation as an ORW. First portions of the Selway River and tributaries thereto would comprise an individual stream segment if taken alone. Second the empirical water quality data which is available and the best professional judgment based on evaluated data all indicate that portions of the Selway River and streams tributary thereto are a high quality water. Finally, portions of the Selway River is of both recreational and ecological significance. As mentioned earlier in this nomination, portions of the Selway River and tributaries thereto offer outstanding recreational opportunities, particularly for river running, and offers excellent habitat for several important fish species.

Sincerely,



Ron Beitelspacher  
State Senator

OCTOBER 29, 1991

# Idaho State Senate

CAPITOL BUILDING  
BOISE

First, the main stem segment of the Selway River upstream from the Selway-Bitterroot Wilderness boundary to the Wilderness boundary located near the United States Forest Service (USFS) Paradise Ranger Station. (Referred to on the attached maps as segment #1)

Then, the main stem segment of the Selway River upstream from the Wilderness boundary located near the USFS Paradise ranger station to the USFS Magruder Ranger Station. (Referred to on the attached maps as segment #2)

Then, the main stem segment of the Selway River upstream from the USFS Magruder Ranger Station to the Selway River's headwaters as prescribed in the Wild and Scenic Rivers Act of October 2, 1968 (P.L. 90-542 82 Statute 90, as amended; 16 U.S.C. 1271 (note), 1271-1287). (Referred to on the attached maps as segment #3)

Then, as a separate segment of the nomination, the main stem of Meadow Creek from it's confluence with the Selway River to Meadow Creek's headwaters. (Referred to on the attached maps as segment #4)

Then, as a separate segment of the nomination, the main stem of Moose Creek from it's confluence with the Selway River to Moose Creek's headwaters, all of which is located within the Selway-Bitterroot Wilderness Area. (Referred to on the attached maps as segment #5)

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COMMITTEE  
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TRANSPORTATION

# Idaho State Senate

CAPITOL BUILDING  
BOISE

Then, as a separate segment of the nomination, the main stem of Bear Creek from it's confluence with the Selway River to Bear Creek's headwaters, all of which is located within the Selway-Bitterroot Wilderness Area. (Referred to on the attached maps as segment #6)

Then, as a separate segment of the nomination, the main stem of Running Creek from it's confluence with the Selway River to Running Creek's headwaters, all of which is located within the Selway-Bitterroot Wilderness Area. (Referred to on the attached maps as segment #7)

Then, as a separate segment of the nomination, the main stem of Indian Creek from it's confluence with the Selway River to Indian Creek's headwaters, all of which is located within the Selway-Bitterroot Wilderness Area. (Referred to on the attached maps as segment #8)

Then, as a separate segment of the nomination, the main stem of The Little Clearwater River from it's confluence with the Selway River to the Little Clearwater River's headwaters, all is which are located within the Selway-Bitterroot Wilderness Area. (Referred to on the attached maps as segment #9)

Then, the main stem segment of the Selway River from O'Hara Cr. upstream to the Selway-Bitterroot Wilderness boundary located approximately in the NE. quarter of Section 7, TWP., 31 N. R. 10 EBM. (Referred to on the attached maps as segment #10)

Lastly, the main stem segment of the Selway River from it's mouth at the confluence of the Selway and the Lochsa and the Middle Fork of the Clearwater Rivers upstream to the confluence of O'Hara Cr. and the Selway River. (Referred to on the attached maps as segment #11)

**SECTION V**

**HEARING OFFICER'S REPORT**

## CONCLUSIONS OF THE HEARING OFFICER

The following points are the conclusions of the hearing officer, based on an examination of the public involvement record, and relevant statutes and regulations.

1. There is strong public support for the nomination of the Middle Fork of the Salmon, as well as Bear Valley, Elk, and Marsh Creeks. There was almost as much support for the three tributaries as there was for the Middle Fork. There was no difference in the amount of support for each of the three tributaries. It is thus the opinion of this hearing officer that if the Board chooses to recommend these tributaries, it should recommend all three of them.

There was only one comment which challenged the ecological or recreational significance of the three tributaries, and no one challenged the same significance criterion of the Middle Fork. It is up to the Board to determine the significance of the stream segments nominated, but there was not a great deal of public debate over the question of significance, as set forth in the ORW definition.

2. There is support for the Selway nomination, but that support is rendered problematic by several points. One, the nomination did not state the significance of the individual stream segments. Two, there was not a great deal of comment on the Selway nomination, when compared to comments on the Middle Fork and the three tributaries. Three, there was not much attention paid to individual stream segments, except for Meadow Creek. On the other hand, there was hardly any opposition to the Selway nomination, except for Meadow Creek. The Board needs to determine whether the Selway nomination is acceptable procedurally, and then to determine whether there has been sufficient public comment and involvement on and with the Selway nomination.

3. There is concern over how any ORW designation will be implemented. Any implementation law which is passed could affect this entire process, whether the law is passed before, or after, ORW designation. The language of the implementation statute is

likely to affect the amount and direction of public support or opposition to designated stream segments. To put it simply, ORW designation is only one-half the policy battle.

4. The argument that existing law is sufficient to protect nominated streams is also problematic. The ORW process is based on existing law as well.

Forest Service opposition to ORW designation on certain streams reflects current public land policy decisions, and is completely understandable. However, the Board should be reminded that the Forest Service originally opposed the Wilderness Act for much the same reasons, and has since come to support the concept through on-the-ground management. The Forest Service should be closely consulted during the writing of the implementation statute.

ANALYSIS OF PUBLIC COMMENT

## Public Hearings

Two public hearings were held before the Board of Health and Welfare during the 1991 nomination process. The first met in Boise on October 22nd, the second in Lewiston on October 29th. Caution is in order regarding public testimony. Many of those who testified at the hearings were not as explicit in their oral comments about specific nominations as they were in their written comments (if provided). Thus a careful reading of both written and oral comments is often required to gain a complete understanding of the position of those who testified at the hearings. For example, the oral testimony of Jim Little of the Bear Valley Grazing Association does not reveal a position on either of the Middle Fork nominations. A later letter from Mr. Little makes that position clear. Specific comments have been referenced by name, oral or written comment, and page number, if provided.

A note is in order regarding Tables 1-3. As will be seen, there was not a great deal of comment regarding the various segments of the Selway nomination. This may be due to general unfamiliarity with this nomination. Where such comment was made, it has been marked by a numbered reference. Thus for example, Ed Cannady made reference to Meadow Creek.

## Boise

Eighteen people spoke at the Boise hearing. Table 1 provides a summary of testimony at this hearing. A quick glance at this table reveals that most of the testimony focused on the nominations of the Middle Fork of the Salmon and its three tributaries. Only three people spoke to the Selway nomination, all in favor. Two of these three mentioned one tributary by name, Meadow Creek. This tributary drew comments because of its location outside wilderness boundaries (Cannady, oral, 158; Heimer, oral, 154).

Comments on the Middle Fork Salmon nomination were almost uniformly favorable, with no one clearly speaking in opposition to this nomination. The three tributaries received more support than opposition. There were several people who spoke in opposition to the three tributaries, however. Several people took no position on the nominations, but expressed concerns which are discussed below.

### Support for the Middle Fork

Since the Middle Fork of the Salmon is not a high quality water of a national or state park, nor of a wildlife refuge, then to receive ORW status it must meet the test of being of exceptional recreational or ecological significance. Both of the nominators of the Middle Fork, the Idaho Mining Association and the Idaho Conservation League, provided extensive documentation with their respective nominations which attempted to show that the Middle Fork met the test of the ORW definition, as was discussed above.

Both of the "tests" for ORW status were addressed by public

comment. An example of support for the recreational significance can be found in the testimony of Linda Hagedorn, a whitewater enthusiast, (pp. 54-55, oral) where she notes that "the Middle fork of the Salmon is clearly the showpiece among Idaho's rivers." For a representation of the ecological significance of the Middle Fork, the testimony of Gary Richardson is illustrative where he notes that "75 percent of the spawning and rearing habitat in the Middle Fork system is in those three tributaries, five percent of the salmon habitat in the entire Columbia Basin. That, in itself, is enough to designate this as an outstanding, perhaps one of the most outstanding resource areas in the world" (130-31, oral). Table 1 provides more information regarding the general testimony of those in favor of the designation of the Middle Fork as an ORW.

#### Opposition to the Middle Fork

There was no stated opposition to the designation of the Middle Fork at the Boise hearings.

#### No Opinion on the Middle Fork

There were several members of the public who took no clear position on the designation of the Middle Fork, but expressed other concerns which are of major importance. These concerns center on the question of how ORW designation will be implemented. The reason for this concern is because there is as yet no implementation language which has been passed by the Idaho legislature.

A good example of this concern over implementation can be found in the testimony of Jim Little. When asked by the hearing officer whether implementation was of "vital concern" Little

responded that it was (91, oral). More importantly, a letter from Mr. Little received after the hearing makes it clear that he, and the Bear Valley Grazing Association, oppose the 1991 nominations. Lynn Tominaga, representing the Idaho Water Users Association, also said that implementation was as important as the location of an ORW (139, oral).

#### Bear Valley, Marsh, and Elk Creeks

ICL nominated these three segments as part of its ORW nomination. The reason for the nomination is primarily centered in the "ecological significance" of the three tributaries. As ICL noted "The drainages of Bear Valley, Marsh Creek, and Elk Creek combined represent 75% of the salmon spawning habitat in the entire Middle fork Salmon River" (5, written). The nomination, as is required, further breaks down the various contributions of each tributary, noting that Bear Valley Creek contributes 50% of the above habitat, and Marsh, 27% of spring chinook spawning. Elk, a tributary of Bear Valley, is said to contribute 37% of the spring chinook production potential in the Bear Creek drainage. Finally, the nomination notes that the Northwest Power Planning Council identified Bear Valley Creek as capable of producing 5% of all the salmon and steelhead in the entire Columbia Basin (5, written).

#### Support for the 3 Tributaries

Support for the three tributaries was strong at the Boise hearings. Testimony centered on the "ecological significance" mentioned above. In addition Pat Ford argued that protection of the three tributaries would send a signal that Idaho was doing its

share to protect the salmon (46, oral), and to keep as much management control as possible in Idaho's domain (43-44, oral).

#### Opposition to the 3 Tributaries

There was opposition to the nomination of the three tributaries. David Mabe argued that protection could better be achieved through existing law (31, 36-37, oral). Steve Mealey, representing the Forest Service, opposed the nomination of the three tributaries because of uncertainty over implementation language (103, oral). Put another way, strong implementation language might constrain certain activities already allowed in the Boise National Forest Plan (102, oral), and thus be viewed as a constraint on Forest Service land management.

#### No Position on the Three Tributaries

Those who took this position did so for the same reasons as discussed under the Middle Fork nomination. Once again, the as yet non-existent implementation language could greatly affect the position of people on any ORW nominations the Board recommends to the legislature.

#### Selway Nomination

There was not a great deal of testimony on the Selway nomination. Three people supported it, one took no position, and no one else mentioned the nomination. Linda Hagedorn spoke in support of the recreational virtues of the Selway and its tributaries, but noted that since she had just been informed of the nomination, she didn't have any more details to offer (152, oral). John Heimer, speaking for Idaho Department of Fish and Game, noted that "The

Selway River is potentially one of the best national production streams in the Columbia River Basin" (154, oral), for both wild steelhead and chinook (not wild). Both Heimer and Ed Cannady voiced concern about Meadow Creek, a tributary, because it was not contained within the boundary of the Selway-Bitterroot Wilderness.

Summary of the Boise Hearing

1. Middle Fork of the Salmon

Support for the nomination....14

Opposition to the nomination...0

No position.....4\*

\*The written testimony of Jim Little later revealed opposition to the Middle Fork nomination.

2. Bear Valley, Elk and Marsh Creeks

Support.....11 (all three)

Oppose.....2 (all three)

No position.....5\*

\*The written testimony of Jim Little later revealed opposition to the Middle Fork nomination.

3. Selway

Support.....3

Oppose.....0

No position.....15

There were two comments which mentioned a specific stream segment of the Selway, Meadow Creek.

## Lewiston

The Lewiston hearing was more sparsely attended, with seven people choosing to speak. Most of the testimony focused on the Selway nomination, which will be discussed below.

### Middle Fork Nominations

There were several people who made mention of the Middle Fork nominations one of whose testimony should be noted. Larry Drew, representing Hecla Mining, supported the Middle Fork nomination but opposed the nomination of the three tributaries. His argument was that the three tributaries did not meet the "exceptional" test, asserting that the waters of the three tributaries showed "substantial impairments" (31, oral).

### Selway Nomination

The rest of the testimony at Lewiston addressed the Selway nomination. There was no opposition to the Selway nomination, and 6 of the 7 speakers spoke in favor of it. The ecological significance was mentioned by Senator Beitelspacher (9, 12-15, oral) and Tim Cochnauer of Idaho Fish and Game (52, oral). Cochenaur was supportive of all of the tributaries of the Selway being significant (54, oral).

The most significant aspect of the Selway nomination has to do with the tributaries which were nominated. As already mentioned, the nomination did not address the significance of the individual segments, except for the Selway. The testimony in Lewiston did address some of the tributaries, but in diverse ways. Mike King, of

the Forest Service, supported the nomination of the main stem of the Selway (40, oral). He did not oppose any of the nominated tributaries except Meadow Creek (40,oral). Forest Service opposition stemmed from the fact that Meadow Creek was outside the Selway-Bitterroot Wilderness boundary, leading to familiar concerns over implementation language's effect on the Nez Perce Forest Plan (41,oral). This was the only opposition to any part of the Selway nomination at the Lewiston hearings, as well as the only stated concern about ORW implementation language.

The nomination of Meadow Creek did receive support, however. Tim Cochnauer, Morton Brigham and Dennis Baird all pointed to the significance of Meadow Creek. Cochnauer said it was one of the three largest Selway tributaries, the others being Moose and Bear Creeks (54,oral), while Morton Brigham questioned the ability of the Forest Service to protect Meadow Creek (58-59,oral). Dennis Baird added that Meadow Creek contributed a third of the Selway's flow, stating "without Meadow Creek you wouldn't have a cadaver but you certainly would have a rather wounded individual there" (66,oral). Baird also drew attention to the habitat of Meadow Creek (67,oral) and thought that ORW status might provide "insurance" from Forest Service failure to live up to Plan habitat goals (69,oral).

Summary of Lewiston Hearing

1. Middle Fork

Support.....2

Oppose.....0

No position.....5

2. Bear Valley, Elk and Marsh Creeks

Support.....1 (all three)

Oppose.....1 (all three)

No position.....5

3. Selway

Support.....6

No position.....1

There were several people who made mention of specific stream segments. Meadow Creek's inclusion was supported by 4 people, and opposed by one. Mention was also made of Moose, Bear, Running, Indian and the Little Clearwater stream segments by one individual, while another mentioned Bear and Moose Creeks.

### Written Comments

A total of 52 written comments were received on the various ORW nominations in 1991. Some of this written testimony was also given orally at the two public hearings, while other parts addressed points not brought up in oral testimony. Other written comments were received, some paralleling testimony given orally, some presenting other arguments.

The majority of the written testimony centered on the nomination of the Middle Fork and its three tributaries. Most of this testimony supported the nomination. The bulk of this supportive testimony appeared to invoke more the "ecological significance" ORW test than the "recreational significance" test, though both were mentioned. There is no need to repeat the arguments in support of either the Middle Fork or Marsh, Elk, and Bear Creeks, because the letters of support echoed either the recreational significance mentioned in both the IMA and ICL nominations for the Middle Fork, or the ecological significance as discussed in the ICL nomination. There was also more support than opposition to the Selway nomination, but to a much lesser extent. Only one stream segment from the Selway nomination received much attention, both positive and negative, and that was Meadow Creek. Some of those who supported the Selway nomination did so by

supporting the entire nomination, not naming specific stream segments (see the letter from Les Bechdel, for example).

Opposition to the nominations had three thrusts. One had to do with uncertainty over how any ORW designation would be implemented. The written testimony of the two forest Supervisors is indicative of this. The second concerns whether Bear Valley, Marsh, and Elk Creeks meet the ORW definition. This point was raised by Larry Drew of Helca Mining (letter). The third centers on the sufficiency of existing law and regulation to protect the nominated stream segments. There were two letters which addressed this concern, one from Jim little and one from the Idaho Cattlemen's Association (letters). Both of these letters also expressed concern over implementation. Mr. Little worried about resource users being made implementation "guinea pigs" (letter).

Summary of written comments

1. Middle Fork

Support.....47

Oppose.....2

No position.....3

2. Bear Valley, Elk and Marsh Creeks

Support.....44 (all three)

Oppose.....4 (all three)

No position.....4

3. Selway

Support.....11\*

Oppose.....1

No position.....40

\*The Forest Service supports the nomination except for Meadow  
Creek.

TABLE 1

## BOISE PUBLIC HEARING

+ = Support for Segment, - = Opposition, o = No Opinion

Stream Segments	Middle Fork	Marsh	Elk	Bear Valley	Selway	Selway Segmts
Lyman, Jack	+	o	o	o	o	o
Klahr, Patricia	+	+	+	+	o	o
Mabe, David	o	-	-	-	o	o
Ford, Pat	+	+	+	+	o	o
Heimer, John	+	+	+	+	+	+1
Hagedorn, Linda	+	+	+	+	+	o
Gehrke, Craig	+	+	+	+	o	o
Montgomery, Scott	+	+	+	+	o	o
Hayes, Marjorie	+	+	+	+	o	o
Scott, Crellin	+	o	o	o	o	o
Little, Jim	o	o	o	o	o	o
Little, David	o	o	o	o	o	o
Mealey, Steve	+	-	-	-	o	o
Mills, Dave	+	+	+	+	o	o
Doyle, Chris	+	+	+	+	o	o
Richardson, Gary	+	+	+	+	o	o
Cannady, Ed	+	+	+	+	+	+2
Tominaga, Lynn	o	o	o	o	o	o

+	14	+	11	+	11	+	11	+	3	+	2
-	0	-	2	-	2	-	2	-	0	-	0
o	4	o	5	o	5	o	5	o	15	o	16

Selway Segments: Numbers 1 and 2 are references to Meadow Creek

TABLE 2

## LEWISTON PUBLIC HEARING

Stream Segments	Middle Fork	Marsh	Elk	Bear Valley	Selway	Selway Segmts
Beitelspacher, Mr.	o	o	o	o	+	+1
Drew, Mr.	+	-	-	-	o	o
King, Mr. Forest Service	o	o	o	o	+	+/-2
Cochnauer, Mr.	o	o	o	o	+	+3
Wise, Mr.	+	+	+	+	+	+
Bringham, Mr.	o	o	o	o	+	+4
Baird, Mr.	o	o	o	o	+	+5
	+ 2	+ 1	+ 1	+ 1	+ 6	+ 6
	- 0	- 1	- 1	- 1	- 0	- 1
	o 5	o 5	o 5	o 5	o 1	o 1

Selway Segments: Numbers 1-5 mentioned Meadow Creek, all but 2 supported its nomination. Number 2 did not oppose any of the other segments. Number 3 supported Bear and Moose Creek.

TABLE 3  
WRITTEN COMMENTS

Stream Segments	Middle Fork	Marsh	Elk	Bear Valley	Selway	Selway Segmts
Bechdel, Les	+	+	+	+	+	+
Prorak, Diane	+	+	+	+	+	+1
Hannon, Bev	+	+	+	+	o	o
Stephens, Sonya	+	+	+	+	o	o
Callender, Sollie	o	o	o	o	o	o
Decoster, Denise	+	+	+	+	o	o
O'Crowley, Janet	+	+	+	+	o	o
Tanner, John	+	+	+	+	o	o
Raeber, Hildegard	+	+	+	+	o	o
Peterson, Sue	+	+	+	+	o	o
Hagadorn, Linda (has 2 letters)	+	+	+	+	+	+2
Duke, Beth	+	+	+	+	o	o
Batchelder, Patricia	+	+	+	+	o	o
Brown, Mark	+	+	+	+	o	o
Fo Sasso, Sharon	+	+	+	+	o	o
Young, Todd	+	+	+	+	o	o
Tyler, Nancy	+	+	+	+	o	o
Loud, Larry	+	+	+	+	o	o
Ronayne, Diane	+	+	+	+	o	o
Lyman, Jack	+	o	o	o	o	o
Heimer, John	+	+	+	+	+	+3
Gehrke, Craig	+	+	+	+	o	o

Hayes, Wm./Marjorie	+	+	+	+	o	o
Mealey, Stephen Boise NF	+	-	-	-	o	o
Drew, Larry Hecla Mining	+	-	-	-	o	o
Michael King USDA Forest Service Northern Region	o	o	o	o	+	+/-4
Wise, Ron and Mimsi	+	+	+	+	+	+
Little, James Bear Valley Grazing Association	-	-	-	-	o	o
Mabe, David Idaho Petroleum Council	o	o	o	o	o	o
Baird, Dennis	+	+	+	+	+	+5
Edson, Greg	+	+	+	+	o	o
Idaho Conservation League	+	+	+	+	o	o
Roth, Char	+	+	+	+	o	o
Huttar, Caylin	+	+	+	+	o	o
Potts, Nicole	+	+	+	+	o	o
Pomeroy, Tom	+	+	+	+	+	+6
Goodwin, Andy	+	+	+	+	o	o
Christensen, Ann	+	+	+	+	+	+7
Kincannin, Linn	+	+	+	+	o	o
Christensen, Douglas	+	+	+	+	o	o
Poole, Kristin	+	+	+	+	o	o
Caldwell, Will	+	+	+	+	o	o
Farnham, Thad	+	+	+	+	o	o
Hammond, M. Dan Idaho Cattlemen	-	-	-	-	-	-
Fredricks, Richard	+	+	+	+	+	+8
Solitude River Trips	+	+	+	+	o	o
Fredericks, Sally	+	+	+	+	o	o

Tindall, John	+	+	+	+	o	o
Mihelich, J.M.	+	+	+	+	o	o
Wood-McKean, Susan	+	+	+	+	o	o
Nez Perce Tribe	+	+	+	+	+	+9
Crandall, Daniel	+	+	+	+	o	o

+	47	+	44	+	44	+	44	+	11	+	11
-	2	-	4	-	4	-	4	-	1	-	2
o	3	o	4	o	4	o	4	o	40	o	40

Selway Segments: Numbers 1-9 mention Meadow Creek, with only number 4 opposing the nomination. Number 4 mentions all of the other nominated segments and states no opposition to their nomination. Number 9 mentions O'Hara, and the Little Clearwater segments.



**APPENDIX A**

**WATER QUALITY / WATER RESOURCE SUMMARIES**

**WATER QUALITY INFORMATION**  
**MIDDLE FORK SALMON RIVER**

**Provided by:**

**Charles Wildes  
Challis National Forest  
January 23, 1992**

The original objective of the Middle Fork Salmon River Water Quality Monitoring Plan, was to monitor general trends in water quality associated with Primary Contact Recreation Standards as a result of recreation use. The current program direction includes, 1) to determine effects of concentrated use areas (boat ramps, undeveloped campsites, hot springs, etc.) on primary contact recreation, 2) compliance with the Middle Fork Salmon River Plan, and 3) to determine extremes associated with precipitation. Since 1975 the Challis National Forest has been collecting water samples on the Middle Fork Salmon River looking at the following parameters: phosphate, nitrogen, conductivity, suspended sediment, temperature, and fecal coliform. Samples are sporadic because of the nature of having to fit in a 5 day float trip with the Challis National Forest boat crew. Discharge measurements are not accomplished as the Middle Fork Salmon River cannot be waded. A gauge height reading is taken each day at the Middle Fork Lodge which can be used for a relative discharge (low flow vs. high flow). A copy of the Project Monitoring Summary is attached.

Analysis of all data is not yet complete, but a general improving trend is apparent for phosphates from the 1970's to 1980's. The fecal coliform bacteria counts have always been much lower than the Idaho State Standard for Primary Contact Recreation of 500/100 milliliters at any time. Water clarity is very good at low flows, and is noticeably less turbid at the mouth than the main Salmon River during high flows. No nuisance algal growths are known to occur.

## WATER QUALITY INFORMATION

### BEAR VALLEY CREEK, IDAHO

Provided by:

**Tim Burton**  
**Boise National Forest**  
**January 29, 1992**

Bear Valley Creek is a major tributary of the Middle Fork Salmon River. Historic redd counts indicate that this stream was the most significant spawning stream for wild spring chinook salmon in the Salmon River Basin and very important to the entire Snake River system. In addition, Bear Valley Creek is an important steelhead spawning and rearing stream and supports two sensitive resident fish, West slope cutthroat and bull trout. The Idaho Department of Fish and Game has classified Bear Valley Creek a "wild" stream which excludes the use of hatchery stocks. Thus the fishery remains largely native. One exception is the eastern brook trout, an exotic introduced into the system many years ago.

In the early to mid 1950's Bear Valley chinook salmon spawning counts (redds) exceeded one thousand per year. In more recent years, counts have severely declined to less than 60 per year. Increased sedimentation from land use activities has, to a large degree, contributed to the demise of salmonids in the system. Placer mining in the mid to late 1950's, and many years of concentrated stream-side over grazing have resulted in excessive stream substrate sedimentation, loss of bank stability, and aquatic habitat impairment in general. Spawning riffles have been covered with layers of fine sediment while rearing pools have filled with sand. It is estimated that the mine deposited 500,000 cubic meters of sand into the stream.

The historic dredge mine was rehabilitated by the Shoshone-Bannock Tribes and Bonneville Power Administration in 1987. The Boise National Forest and livestock permittees on Bear Valley Creek have agreed to aid in the restoration of fish habitat in the stream by altering grazing management practices in the Bear Valley Allotment.

## WATER QUALITY INFORMATION

### SELWAY RIVER

Provided by:

Nick Gerhardt  
Nez Perce National Forest  
January 23, 1992

The Selway River is among the most pristine watersheds of its size in the lower 48 states. Heading in the Bitterroot Mountains, a large proportion of its watershed is located within the Selway Bitterroot Wilderness. Disturbance by human activities is relatively minimal while natural processes predominately shape the stream flow, water quality and channel conditions of the river.

Stream flow, water quality and fish habitat data have been collected within the Selway River Basin by the US Geological Survey (USGS), US Forest Service (USFS), Idaho Department of Fish and Game (IDFG), Nez Perce Tribe and others. A stream gage has been operated by the USGS on the river near O'hara Creek since 1929. Additional stream gages have been operated on Meadow Creek (now discontinued) by the USGS and two forks of Horse Creek (ongoing) by the USFS. Water quality samples and miscellaneous stream flow measurements have been taken at the above sites and on several other tributaries.

The stream flow data show that the river typically peaks with snowmelt runoff in late May or early June. The lowest flows generally occur in August and September. Mean monthly flows range from 750 to 13,300 cubic feet per second. The approximately 2,000 square mile watershed yields relatively high quantities of water among streams in Idaho. By comparison, the Selway River produces about five times the runoff per acre as Snake River above Lewiston.

Water quality data for the main stem Selway are limited in extent. The USGS collected ten water quality samples across a range of flows from 1974 through 1980. These show that the river contains very low levels of constituents commonly associated with water pollution. These data also suggest that while the river generally has pure water, it would also rate relatively low in inherent biological productivity.

The USFS began a program of suspended sediment monitoring in the Selway, Lochsa and South Fork Clearwater Rivers in 1988. This effort has resulted in collection of 46 samples to date. Results have shown that the Selway and Lochsa are virtually identical in suspended sediment concentration. Since pre-disturbance data are not available, it is not known how these systems compared under natural conditions. It was also shown that the Selway has about half the mean concentration of the South Fork Clearwater River. This difference is believed to be largely due to the extent of nonpoint source activities in the South Fork. It is also evident that the Selway has a high natural variation of suspended sediment in response to weather, streamflow and natural disturbance. It should be noted that suspended sediment is only one of many parameters used to characterize water quality conditions.

Summer water temperature monitoring began in 1991, but the data have not been analyzed. Earlier incidental water temperature measurements suggest conditions highly favorable to cold water biota, except during the warmest days of the year.

Fish habitat data for the main stem and tributaries have been collected by the USFS and IDFG, but not to a great extent. Existing data generally show conditions highly favorable for spawning and rearing of anadromous and resident salmonids.

In summary, existing water quality and fish habitat data show that the Selway River and its tributaries have generally high water quality and fish habitat which is in excellent condition. The variations which occur are largely dictated by natural watershed conditions and climatic cycles. The greatest concentration of nonpoint source activities has occurred along the lower main stem and several lower tributaries. These activities do not appear to have had an appreciable effect on main stem water quality conditions at this time.



**IDAHO FISH & GAME**

600 South Walnut / Box 25  
Boise, Idaho 83707

December 6, 1991

Mr. Steve Bauer  
Idaho Department of Health and Welfare  
Division of Environmental Quality  
STATEHOUSE MAIL  
Boise, ID 83720

12 6 1991  
12 6 1991  
STATEHOUSE MAIL  
BOISE, IDAHO 83720

Re: ORW Nomination  
Fish Information

Dear Steve:

I have given below that information you requested on the current status of fisheries in the Selway River, Meadow Creek, the Middle Fork of the Salmon River, Bear Valley Creek, Elk Creek, and Marsh Creek.

The Selway River supports populations of anadromous steelhead trout and chinook salmon and resident populations of cutthroat trout, rainbow trout, bull trout and mountain whitefish. The Fishery Management Plan for the period 1990-1995, by the Idaho Department of Fish and Game (IDFG), will manage the reach from the confluence of the Selway and the Lochsa upstream to the Meadow Creek Bridge (reach numbers 17060320010 through 1706030200400) for preservation of steelhead and chinook salmon, put and take hatchery for rainbow trout and general harvest regulations for wild mountain whitefish. In the reach of the Selway River from the Meadow Creek bridge upstream, IDFG plans to manage the (reach numbers 1706030201000 through 1706030215600) anadromous steelhead trout and chinook salmon for preservation. Resident stocks of salmonids will be managed to provide a quality fishery with catch and release regulations.

Densities of cutthroat trout in the Selway River have ranged from 21.5 cutthroat per transect in 1986 to 17.1 in 1988. Lewiston Dam virtually eliminated chinook salmon for the Selway River. Steelhead, on the other hand, were able to pass the dam. After removal of the Lewiston Dam, the IDFG has attempted to reintroduce chinook into the drainage. High migration mortalities on the Columbia and Lower Snake have severely hampered reintroduction efforts.

The following table provides information on the estimated number of juvenile salmon and steelhead that can be produced in the Selway River and its tributaries and the percent of existing carrying capacity.

Cecil D. Andrus / Governor  
Jerry M. Conley / Director



Mr. Steve Bauer  
December 6, 1991  
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<u>Stream</u>	<u>Year</u>	<u>CHINOOK</u> <u>% of Potential</u>	<u>STEELHEAD</u> <u>% of Potential</u>
Selway	1990	5.4	8.2
	1991	0.0	0.0
Meadow Creek	1990	0.6	77.0
Bear Creek	1990	2.4	12.3
Deep Creek	1990	1.4	27.9
	1991	0.0	0.0
Moose Creek	1990	0.4	13.1
Running Creek	1990	0.0	3.4
White Cap Creek	1990	0.4	11.0

Meadow Creek provides a fishery for native rainbow trout in addition to its anadromous fish production.

#### MIDDLE FORK OF THE SALMON RIVER

Except for some alpine lakes and a few small streams, the Middle Fork of the Salmon River drainage contains only native species and fish stocks that have evolved in the Middle Fork drainage. Species of fish found in the Middle Fork include cutthroat trout, rainbow trout, bulltrout, steelhead trout, chinook salmon, and mountain whitefish. For the period 1990-1995, the IDFG will manage the Middle Fork drainage for racial preservation and quality trout or wild trout with catch and release regulations for all species except whitefish.

In the Middle Fork of the Salmon River, investigators found an average of 0.7 cutthroat, 0.6 steelhead, 0.3 chinook and 2.5 total fish per 100 square meters of stream. In tributaries to the Middle Fork of the Salmon River (other than Bear Valley Creek, Elk Creek and Marsh Creek), investigators reported 1.3 cutthroat trout, 4.3 steelhead trout and 1.2 chinook salmon per 100 square meters of stream.

Bear Valley Creek, Elk Creek, and Marsh Creek serve primarily as spawning and summer rearing areas for anadromous fish, which move upstream through the Middle Fork of the Salmon. Cutthroat trout, bulltrout, and non-native brook trout are also in the drainage.

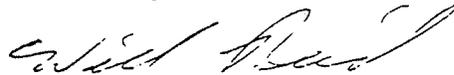
Age 0+ chinook densities in the Bear Valley Creek and Elk Creek snorkel transect have shown a positive but not significant trend from 1985 through 1989, increasing from 19/100 M<sup>2</sup> to 3.3/100 M<sup>2</sup>. Although not significant, the increase does suggest a positive trend in rearing conditions but are still considered low.

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Densities of age 0+ steelhead have declined significantly in Bear Valley and Elk creeks from 1985 to 1989 to 0.38/100 M<sup>2</sup> to 0.01 fish/100 M<sup>2</sup>.

If you have further questions, please call me at 334-2598.

Sincerely,



Will Reid  
Fishery Program Coordinator

WR:tlv

**APPENDIX B**

**OUTSTANDING RESOURCE WATERS**

**QUESTIONS AND ANSWERS**



State of Idaho  
**BOARD OF HEALTH AND WELFARE**

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**Idaho Outstanding Resource Waters  
An Introduction**

Idaho law allows for designation of lakes, rivers or streams as Outstanding Resource Waters. This designation, which must be conferred by the Legislature, affords the body of water the state's highest level of protection.

The Board of Health and Welfare is charged with annually receiving nominations from the public for Outstanding Resource Waters. Once the nominations are received, the Board may hold public hearings before deciding whether to refer the recommendation to the Legislature.

This outline is designed to answer questions commonly asked about Outstanding Resource Waters in Idaho and help define terms used when discussing them.

Additional information is available from:

Department of Health and Welfare  
Division of Environmental Quality  
Outstanding Resource Waters  
1410 N. Hilton  
Boise, Idaho 83706  
Phone: (208)334-5860

**Questions and Answers**



**Q** What is an Outstanding Resource Water?

**A** An **Outstanding Resource Water (ORW)** is a body of water with high quality, such as waterways in national and state parks or wildlife refuges, and water of exceptional recreational or ecological significance. The ORW designation must be made by the Idaho Legislature. It constitutes an outstanding national or state resource requiring protection from nonpoint source activities that may lower water quality. (Idaho Code 39-3614)

**Q** Does federal law require ORWs?

**A** Yes. The federal Clean Water Act and regulations adopted by the Environmental Protection Agency require states adopt an "antidegradation policy." One level of protection -- Outstanding Resource Waters -- is given the highest level of protection from activities that degrade water quality.

**Q** Where is the law on ORWs?

**A** Chapter 36, Title 39, of Idaho Code defines ORWs and discusses protection of these waters. Idaho's Antidegradation Policy and the process for nominating ORWs is contained in the Idaho Water Quality Standards promulgated by the Idaho Department of Health and Welfare.

The Idaho Board of Health and Welfare is recommending additions to state law to help clarify how ORWs are implemented and the type of protection ORW designation affords.

- 
- Q** How are ORWs designated?
- A** Anyone may nominate a body of water as an ORW by submitting a nomination to the Board of Health and Welfare before August 1 each year. The Board requests public comment and may schedule a hearing. The Board determines segments of the stream, river or lake to recommend as an ORW to the Legislature based on public comments.
- Q** Who designates an ORW?
- A** The Idaho Legislature.
- Q** What extra protection do ORWs receive?
- A** The primary difference between protection for all Idaho waterways and for ORWs is in the management goal.
- ORWs must be managed to maintain water quality at levels identical to those at the time of ORW designation by the Legislature. A measurable change in water quality caused by pollution is not allowed.
- Other waters are protected by state standards and water quality criteria. The criteria are set at a level to protect "beneficial uses" of water. Pollution sources are managed to assure that water quality does not drop below these criteria.
- Q** When is "baseline water quality" established?
- A** Water quality will be established using available data and additional monitoring, as needed, to determine conditions at the time of ORW designation by the Legislature.
- Q** Who monitors water quality?
- A** The Idaho Department of Health and Welfare is responsible for coordinating or conducting monitoring and assuring that monitoring meets accepted scientific standards. In practice, a number of state and federal agencies are involved. Additions to Idaho law recommended by the Board of Health and Welfare would require one of these agencies in each ORW to be named the "designated agency" responsible for ensuring that "best management practices" are monitored.
- Q** What activities are regulated in an ORW?
- A** An ORW addresses nonpoint source activities, such as timber harvest, grazing, mining, road building, and recreation.
- Q** Are short-term or temporary activities eliminated?
- A** No. The law specifically allows for short-term or temporary activities that do not alter the essential character or special uses of ORW segments. Examples might include limited road and trail reconstruction, maintaining existing structures or habitat enhancement structures.
- Q** What is meant by "short-term" or "temporary"?
- A** Legislation proposed by the board defines these terms as activities limited in scope and expected to have only minimal impact on water quality. The designated agency would in each ORW would be responsible for deciding what amounts to "short-term" or "temporary" activities.
-

- 
- Q** Are existing uses eliminated by an ORW designation?
- A** No. Idaho law says: "Existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW."
- Q** Are existing grazing allotments eliminated by an ORW?
- A** No. Existing grazing allotments would continue provided they maintain and protect the current water quality of an ORW.
- Q** Does ORW designation prohibit future timber harvest, mining, road construction, grazing or recreation?
- A** No. Future activities are not prohibited. However, these activities must be conducted in a manner that does not lower the water quality of the ORW.
- Q** How are new nonpoint source activities managed to maintain water quality?
- A** Proposed legislation would require state agencies to develop site-specific best management practices for the stream segment within six months after the Legislature designated it an ORW. The best management practices would be determined based on technical advice and after consulting with affected parties and the public. The best management practices would be adopted by the Board of Health and Welfare for the specific ORW. After adoption, the practices would be used by the land manager and operator to ensure water quality is maintained. Where the operator applies these practices in good faith and water quality still is impacted the practices would be revised to ensure water quality protection.
- Q** What will ensure public comment on proposed new activities?
- A** Existing activities would not be subjected to public review requirements. The legislation proposed by the Board, however, says that public notice and comment would be the minimum requirement when new activities are proposed.
- Q** Where is water quality measured to ensure compliance?
- A** Water quality is measured in the stream segment designated as an ORW, not in a tributary or side drainage. Water quality in the tributary is subject to the same restrictions as any other water in the state.
- Q** Can a stream segment be both a Stream Segment of Concern and an ORW?
- A** Under existing laws and regulations, a stream segment of concern status expires every two years unless the segment is renominated. An ORW designation confers a higher level of water quality protection not addressed by stream segment of concern. Under the legislation proposed by the Board, a stream segment designated as an ORW could not also be designated as a stream segment of concern.
- Q** What is the relationship between ORWs and wilderness areas?
- A** The two designations are complementary. Wilderness designation requires land management to preserve the natural condition. The Wilderness Act does not specifically set water quality objectives or standards. ORW designation sets an objective of maintaining water quality establishes review procedures and sets monitoring requirements to ensure the objective is met.
- Q** What is the difference between federal Wild and Scenic River designation and ORWs?
- A** Several rivers nominated as ORWs also are designated under the federal Wild and Scenic Rivers Act of 1968. The federal law preserves the free-flowing character and scenery of the wild river. Generally, the federal law prohibits construction of new dams and requires federal agencies to develop management plans for the river corridors. It does not convey any water quality protection.
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## Common Terms

**Antidegradation Policy--** A policy adopted by the state, and required by the federal Clean Water Act, to protect beneficial uses of water and the water quality that supports these uses. For Outstanding Resource Waters, the antidegradation policy says the high quality of these waters will not be lowered.

**Baseline Water Quality--** The quality of the Outstanding Resource Water at the time of designation by the Legislature. In practice, defining water quality will depend on the available existing information, and the data that will be collected by appropriate state and federal agencies.

**Beneficial Uses--** When managing for water quality, uses of water that are protected, including domestic supply, agricultural supply, cold and warm water life, salmon spawning, primary contact recreation and secondary contact recreation.

**Best Management Practice--** A practice or combination of practices determined to be the most effective and practical method for preventing or reducing the amount of pollution generated by nonpoint sources.

**Nonpoint Source Activities--** Any land-disturbing activities that are not regulated as point sources. Generally, this includes forest practices, certain mining activities, agriculture, grazing, road building and recreation.

**Point Source Activities--** Sources of pollution that discharge into surface waters from a pipe, such as discharges from sewage treatment or industrial plants.

**Stream Segment of Concern--** Unique to Idaho, Stream Segments of Concern are used to implement the federal antidegradation policy. A Stream Segment of Concern designation focuses agency resources on nonpoint source control and monitoring in designated segments of the waterway. Except for forestry, the segment of concern designation conveys no additional water quality protection. Water quality is protected by standards, the same as for any other stream in the state. ORW designation, however, sets a higher water quality standard. On a segment of concern, a local working committee may establish site-specific best management practices for forest uses.

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