

RECEIVED

MAR 21 2008

WATER RESOURCES
WESTERN REGION

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. **Route Uses: Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued.** Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant Information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # _____ Date Received _____	2a. Department of Water Resources # <u>579-20016</u> Date Received <u>March 21, 08</u> Fee Rec'd By: <u>[Signature]</u> Receipt # <u>42036285</u>	2b. Department of Lands # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____
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PLEASE TYPE OR PRINT

3. a. Applicant <u>Deer Creek, LLC</u>	4. a. Authorized Agent <u>Dennis Moyer</u>
b. Mailing Address <u>501 Baybrook Court</u> <u>Boise, Idaho 83706</u>	b. Mailing Address <u>501 Baybrook Court</u> <u>Boise, Idaho 83706</u>
c. Work Phone (208) <u>424-3865</u> Home () _____	c. Work Phone () _____ Home () _____
d. Fax Number (208) <u>424-3850</u>	d. Fax Number _____
e. Email Address <u>dmoyer@alscott.com</u>	e. Email Address _____

5. Location where proposed activity exists or will occur.	5. e. Tax Assessor's Description _____
a. Waterway <u>Salmon River</u> Tributary of <u>Snake River</u> <u>Lewis County</u>	Distance/Direction from nearest city/town <u>16mi + SW Cottonwood</u> <u>N 1/2 27 31N 3W</u>
b. Distance/Direction from nearest city or town <u>Approx 34mi So. of Lewiston</u> County/State _____	f. 1/4 1/4 Section Township Range
c. Zip Code <u>Local jurisdiction (city or county)</u>	g. UTM Coordinate Grid _____
d. Directions to the site <u>22 mi + So. of Lewiston on Waha Rd; So. 12+ mi. Eagle Crk Rd to Salmon River</u>	Zone Northing Easting

6. a. Describe Project (Work below the ordinary high water mark or in wetlands). River channel is app. 150 ft. wide - project is on North side in slack water on sand bar and away from main current. Dock is floating and portable. Dimension: two 29ft x 6ft 6in. sections attached in a "T" shape. Anchored by chain or cable above high water mater mark. River end of dock held in place by portable, precast concrete anchors. Docks are stored above high water line on private land during winter and spring seasons.

b. Construction methods and equipment Construct on land, transport to site and install.

c. Length of project along the stream or extension into lake or reservoir: 29 feet

d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)
N/A

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? N/A (cubic yards)

b. Will fill be placed in wetlands? N/A If yes, area: _____ (acres) Type of fill material: N/A (i.e. sand, rock, clay, concrete, etc.)

c. Will dredging be required waterward of the ordinary high water mark or in wetlands? N/A If yes, volume _____ (cubic yards)

d. Type of dredged material N/A

e. Disposal site for dredged material: N/A Method of dredging: N/A

f. Method to control turbidity and sedimentation: N/A

g. Is project located in a mapped floodway? N/A If yes, complete the Engineering "No-Rise" certification form.

8. a. Purpose and intended use: Commercial Public Private Other scribe _____

b. Reason for project River access to private property and cabin. safely secure river/fishing boats.

9. Proposed Starting Date _____ Estimated Duration _____

10. List portions of the project that are complete with month and year of completion N/A
Label this work on your drawings.

11. Names, addresses, and telephone numbers of all adjoining property owners, lessees, etc.
River frontage is approx. 982 feet.

Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

12. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name N/A d. Phone Work () _____
b. Mailing Address _____ Home () _____
c. City, State, Zip Code _____

13. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
<u>IDWR</u>	<u>Letter approval as specified by Agency.</u>			<u>7/25/07</u>
<u>ID. Dept of Lands</u>	<u>Approved by review</u>			<u>4/02/07</u>
<u>Bureau of Land Mgmt.</u>	<u>Approved by review</u>			<u>3/21/07</u>

14. Has any agency denied approval for the proposed activity? Yes No (If "Yes" explain)

15. Other comments/information:

Existing project was submitted to IDWR and approved in 2007. Dept. of Lands in Craigmont and Bureau of Land Management Cottonwood reviewed the request and each approved. Dock was installed and removed for the season as planned and stated in the approved request. No encroachment permit required per IDWR and IDL.

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

Dennis Moyer 3-19-08
Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) Printed Name Date

17. If you wish to designate an authorized agent, complete item 4, item 16 and the following information.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Original Signature of Authorized Agent _____ Date _____ Original Signature of Applicant _____ Date _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

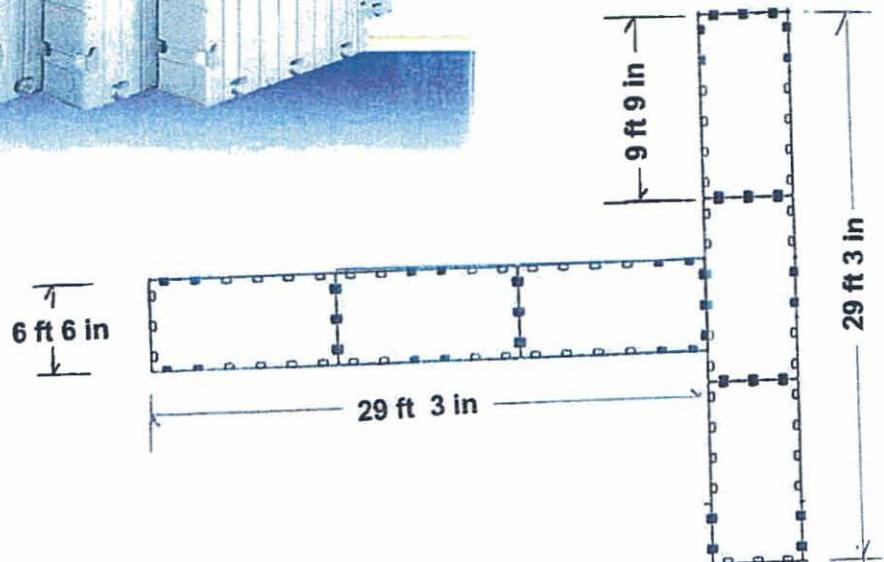
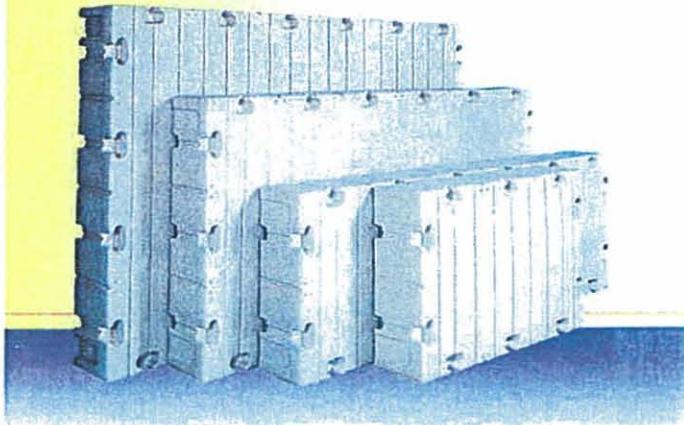
DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION
SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION



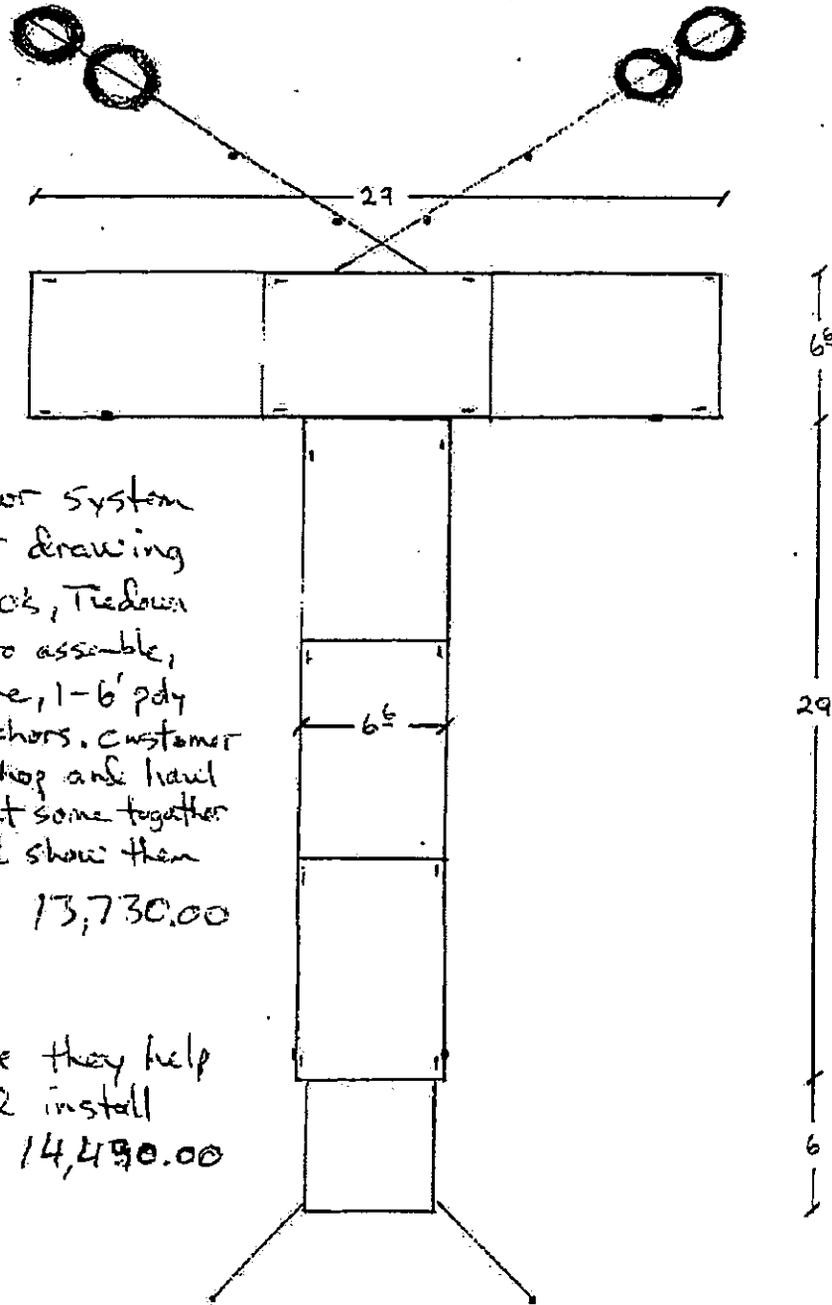
Easy to install. Easy to maintain.

- Heavy-duty Polyethylene construction
- Modular dock sections make it easy to create most any layout
- Easy to install with just a few hand tools
- Wide variety of accessories make it easy to customize your setup

Improve the appearance and utility of your waterfront while saving maintenance time and expense. The rugged EZ dock system provides safe, convenient and attractive water access that you'll enjoy year after year.

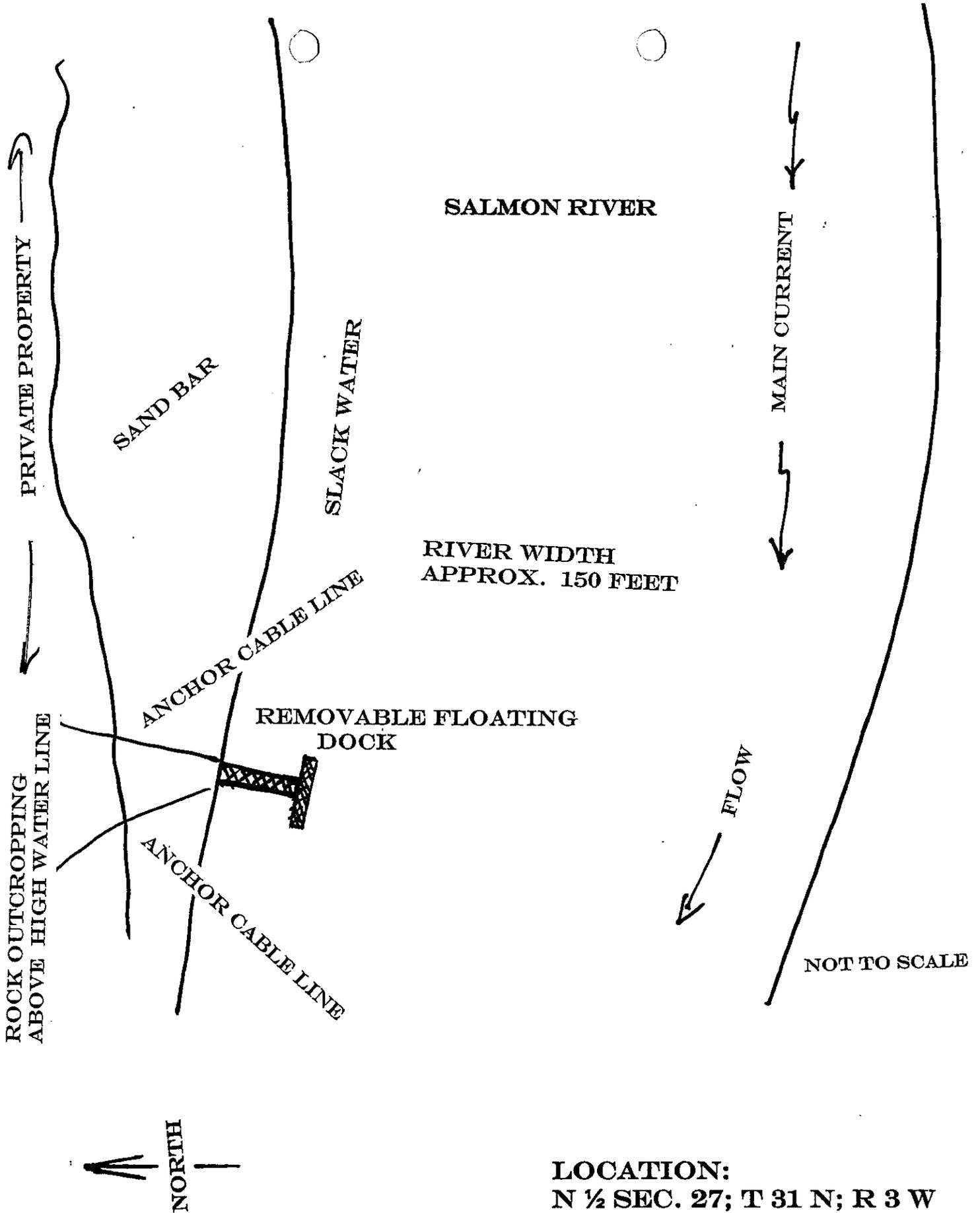


Dennis Moyer

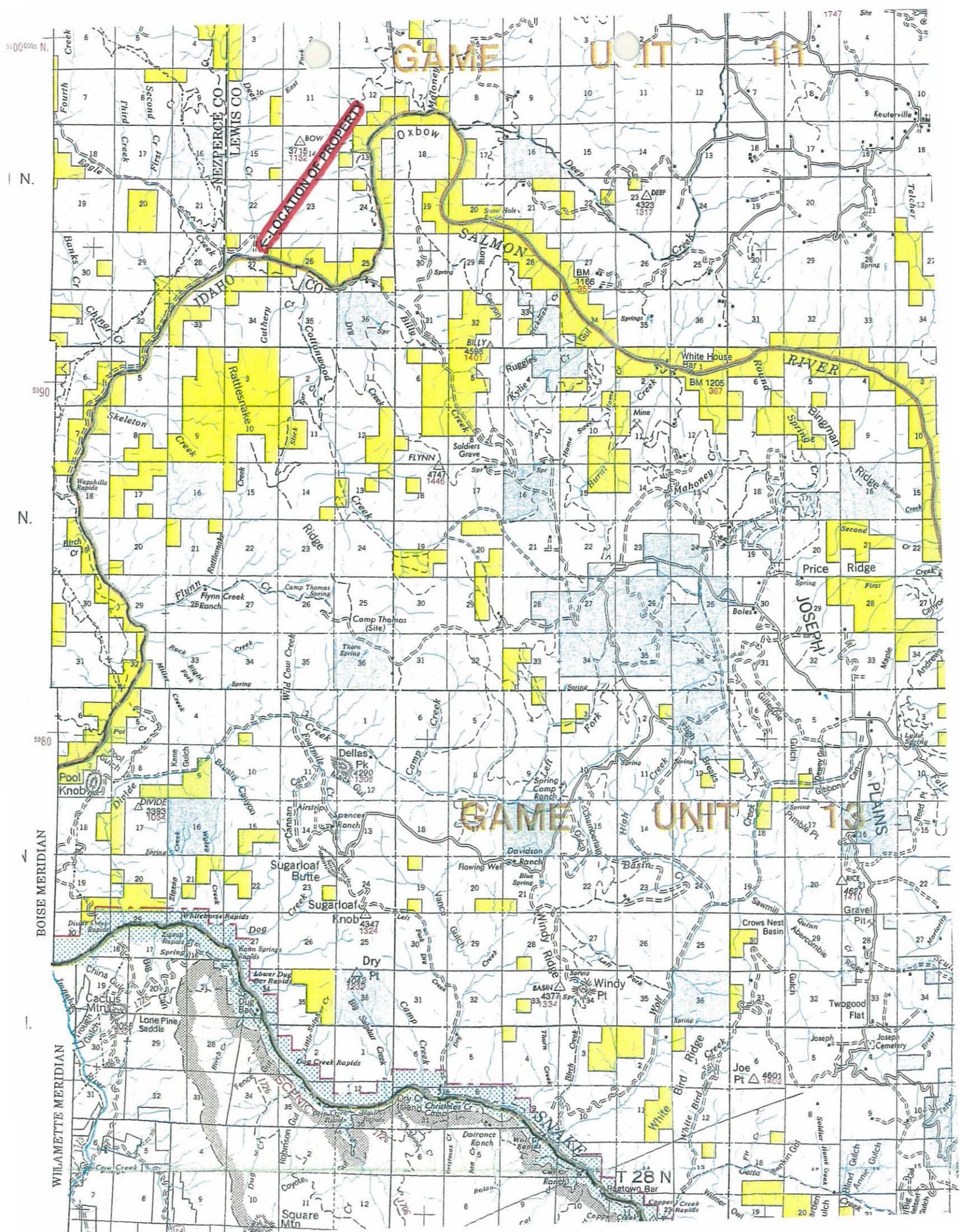


Docks & anchor system
 supplied as per drawing
 to include 6-80's, Tiedown
 cleats, hardware to assemble,
 anchoring hardware, 1-6' ply
 ramp, chains & anchors. customer
 to pick-up at shop and haul
 to site (I help put some together
 at the shop and show them
 how to install.) 13,730.00

I deliver to site they help
 me assemble and install
 14,490.00



LOCATION:
 N ½ SEC. 27; T 31 N; R 3 W
 LEWIS COUNTY, IDAHO



LOCATION OF PROPERTY

GAME UNIT 11

GAME UNIT 13

1747 Site
5990
5900
BOISE MERIDIAN
WILAMETTE MERIDIAN

NEZPERCE CO
LEWIS CO
IDAHO
FLYNN
SALMON RIVER
JOSEPH
SNAKE RIVER
BOW 3715
DEEP 4323
BILLY 4505
SOLDIERS GRAVE 4746
DALLAS PK 4290
SUGARLOAF BUTTE 4347
WINDY PT 4377
JOE PT 4601
COPPER CREEK 23



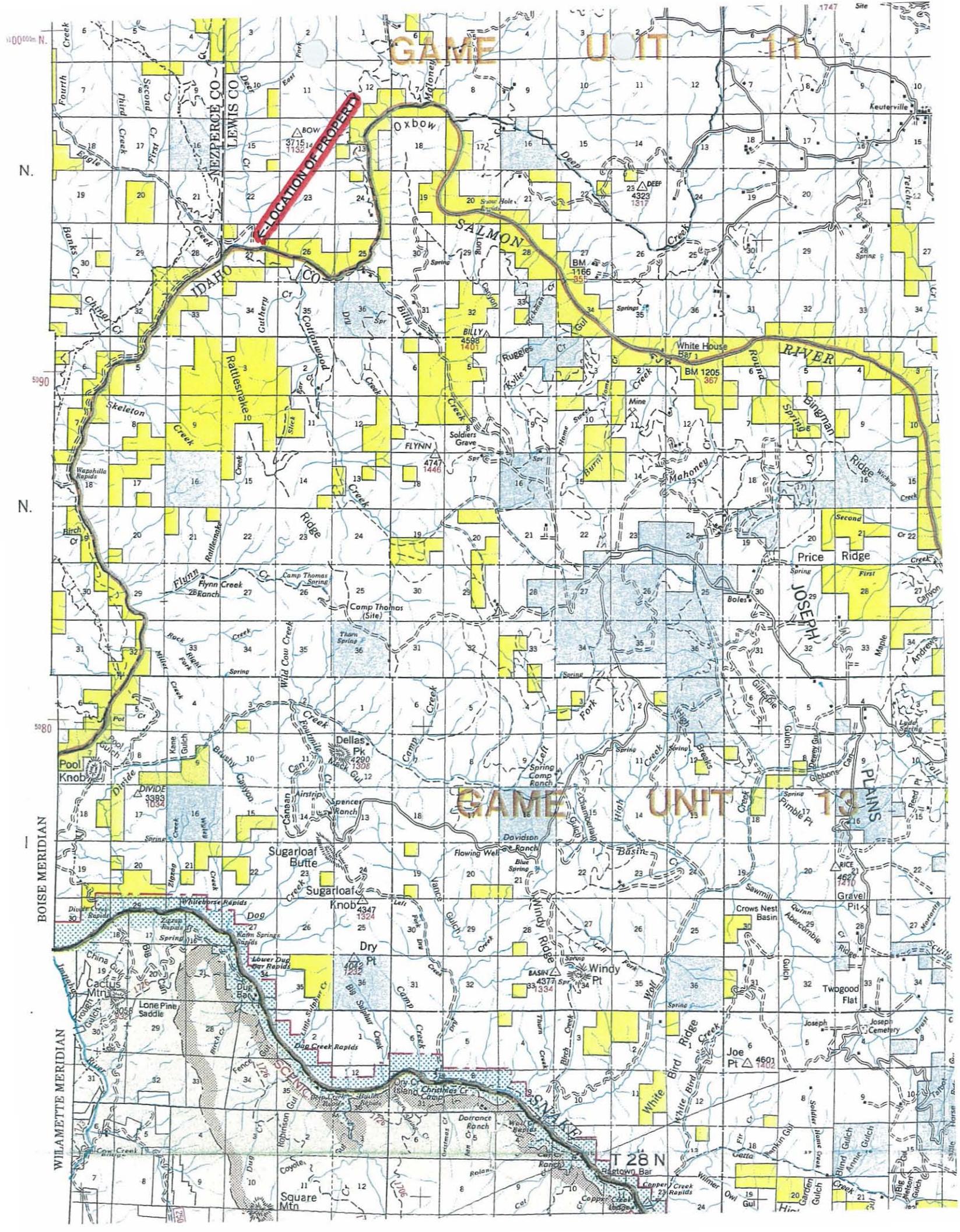
<- LOCATION OF FLOATING DOCK

Image © 2007 DigitalGlobe



<- LOCATION OF FLOATING DOCK

Image © 2007 DigitalGlobe



Galloway, Chuck

From: Galloway, Chuck
Sent: Monday, September 29, 2008 9:20 AM
To: 'sgoodson@gov.idaho.gov'
Cc: Spackman, Gary; Golart, Aaron
Subject: FW: Dock on Salmon River
Attachments: S79-20016

Sir, attached is copy of transmittal email with final order attached. If you need list of who received, please advise and I will provide. Respectively, Chuck Galloway, 208-287-4919

From: Spackman, Gary
Sent: Monday, September 29, 2008 9:06 AM
To: Galloway, Chuck
Subject: FW: Dock on Salmon River

Chuck,

Would you email a copy of the Deer Creek boat dock stream channel alteration decision to Stephen Goodson at the governor's office? Thanks.

Gary

From: Stephen Goodson [mailto:sgoodson@gov.idaho.gov]
Sent: Monday, September 29, 2008 8:26 AM
To: Spackman, Gary
Subject: Dock on Salmon River

Gary,

I would appreciate it if you could send us over a copy of the director's order on the Deer Creek boat dock.

Thanks.

Stephen Goodson
Constituent Services
Office of Governor C.L. "Butch" Otter
208.334.2100
sgoodson@gov.idaho.gov

805 N Avenue
La Grande, Oregon 97850

August 12, 2008

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

To Whom It May Concern:

Subject: Joint Application for Permit #S79-20016

I hope you recognize the timing of the August 14 hearing on Permit #S79-20016 severely limits participation by those individuals who spend their summers working or otherwise participating in the non-motorized boating community. This is the peak season for commercial river trips and so lack of physical presence should in no way be construed as lack of concern about this permit application.

Placement of a permanent dock on the lower Salmon River at the beach near Deer Creek, on property owned by the State of Idaho, in the simplest terms is totally inappropriate and unnecessary. The relatively predictable and stable flows of an undammed river negate any need for such a structure. It would, rather, be an implied statement of ownership over a section of beach that is in the public domain and not under the purview of a person with the wherewithal to construct an obscene blight on the scenic value of the river canyon.

Maintaining the integrity of this river jewel serves the interest of a greater segment of the population - both the local business communities and the population who appreciate the currently relatively unfettered access the Lower Salmon River offers.

I continue to strongly urge your agency to reject Permit #S79-20016. Your consideration of my request is appreciated.

Sincerely,

Juanette Cremin

Galloway, Chuck

From: Spackman, Gary
Sent: Wednesday, August 27, 2008 8:46 AM
To: Galloway, Chuck
Subject: FW: Joint Application for Permit #S79-20016

Attachments: lower_salmon_dock_#2-jc.doc; ATT390981.txt



lower_salmon_dock ATT390981.txt
_#2-jc.doc (2... (154 B)

Chuck,

I can't tell whether I forwarded the following to you. What is the status of the SCA application seeking approval for the portable boat dock?
Gary

-----Original Message-----

From: McLaughlin, Bob
Sent: Wednesday, August 13, 2008 9:29 AM
To: Spackman, Gary
Subject: FW: Joint Application for Permit #S79-20016

Gary:

This came in via IDWR info. I sent this to Jeff Peppersack but got an out of office til Aug 18th auto reply back. I thought this might be time sensitive. Do you know where this should go?

Bob

-----Original Message-----

From: McLaughlin, Bob
Sent: Wednesday, August 13, 2008 9:25 AM
To: Peppersack, Jeff
Subject: FW: Joint Application for Permit #S79-20016

This came in via IDWR info. Does this go to you?
Bob

Bob A. McLaughlin
Public Information Officer
Idaho Department Of Water Resources
322 E. Front Street (Front St. & Broadway Ave) Boise, ID 83720-0098
(208) 287-4828
(208) 830-4670 (cell)
(208) 287-6700 (fax)

-----Original Message-----

From: Juanette or John [mailto:jjmd@eoni.com]
Sent: Tuesday, August 12, 2008 1:17 PM
To: IDWRInfo
Subject: Joint Application for Permit #S79-20016

To Whom It May Concern:

Hard copy coming via "snail mail." Please enter my statement in the public record.

Respectfully,

Juanette Cremin

805 N Avenue
La Grande, Oregon 97850

RECEIVED

AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

August 12, 2008

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

To Whom It May Concern: 

Subject: Joint Application for Permit #S79-20016

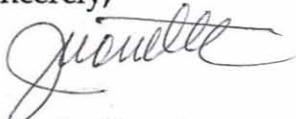
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Maintaining the integrity of this river jewel serves the interest of a greater segment of the population – both the local business communities and the population who appreciate the currently relatively unfettered access the Lower Salmon River offers.

I continue to strongly urge your agency to reject Permit #S79-20016. Your consideration of my request is appreciated.

Sincerely,



Juanette Cremin

Davison, Copple, Copple & Cox, LLP
Attorneys at Law

Direct Contact:

Terry C. Copple
Direct: (208) 342-3766

E-Mail: tccopple@davisoncopple.com
<http://www.davisoncopple.com>

199 North Capitol Boulevard, #600
Post Office Box 1583
Boise, Idaho 83701

Telephone: (208) 342-3658
Facsimile: (208) 386-9428

August 12, 2008

VIA HAND DELIVERY

Director David R. Tuthill
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front Street
Boise, Idaho 83702

RECEIVED

AUG 12 2008

DEPARTMENT OF
WATER RESOURCES

Re: Deer Creek, LLC Submittal in Support of Joint Application For Permits No. S79-20016 as Part of the Public Record At The August 14, 2008, Hearing Before the Idaho Department of Water Resources

Dear Director Tuthill: 

Enclosed herewith please find the original Affidavit Of Dennis Moyer in support of the Joint Application For Permits No. S79-20016 of Deer Creek, LLC which is currently the subject of a public hearing scheduled to commence before you at 9:30 o'clock a.m. on August 14, 2008.

Additionally, we do wish to submit into the record the dock application of Rusty Bentz which was approved by the Idaho Department of Water Resources in 1999 allowing him to have his removable dock on the Salmon River. Mr. Bentz was unable to locate his actual approval letter, but he did have his application as enclosed with this letter which he represented to us was approved by the Department in early 1999. The approval of Mr. Bentz's application did not, of course, result in a tidal wave of dock applications being filed as some have alleged would happen if a dock permit was approved for the river. Please note that Mr. Bentz is also a riparian owner on the river because of his residence located on the river where the dock is placed during the summer.

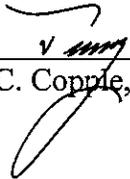
Director David R. Tuthill
Department of Water Resources
State of Idaho
August 11, 2008
Page 2

If you have any questions concerning the enclosed, please do not hesitate to contact this office.

Very truly yours,

DAVISON, COPPLE, COPPLE & COX, LLP

By: _____


Terry C. Copple, of the firm

TCC/tap
Enclosures

RECEIVED

AUG 12 2008

DEPARTMENT OF
WATER RESOURCES

August 1, 2008

Director David R. Tuthill
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front Street
Boise, Idaho 83702

Dear Director Tuthill:



My name is Bob Payne and I have owned property on the Lower Salmon River for many years. I sold my property to Deer Creek, LLC upon which the current owner constructed a residence for his personal use.

As a result of my many decades of owning property on the river and flying over it because I am a commercial pilot, I am very familiar with the river.

There are numerous sandy beaches on the Lower Salmon River and even during the summer months, many of the beaches, including the one involved in this matter, are not used very much by the travelling public. Indeed, during the many years that I owned the property that is now owned by Deer Creek, LLC, I only saw two or three different campers on that beach. I therefore believe that any argument that the presence of this dock at one end of the beach will discourage use of the beach by the public is wrong.

The placement of the dock simply cannot harm the river in any way. It is removable and is anchored to rocks located above the high water line of the river. I have personally inspected the dock and know that it is not impeding the flow of the river in any way, nor is it hurting the water quality in any manner. In my opinion, the hundreds of rafters and jet boaters on the river during the summer have much more of an effect on the river than this little dock.

As a result of years of owning this property, I know that the fish do not spawn anywhere near this beach because it is sandy and has slow moving water going by it.

The dock itself is not unsightly. It is a well-made and attractive dock designed to allow for the easy loading and unloading of supplies for the owner.

I therefore strongly urge you to grant the pending application because I do not believe that the objections that have been filed by others are well founded.

Sincerely,


Robert William Payne
salmonriverbob@clearwire.net

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AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

August 8th 2008

Director David R. Tuthill
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front Street
Boise, Idaho 83702

Dear Director Tuthill:



I understand that certain outfitters and guides have expressed their opposition to a non-commercial, private dock to be located in front of the residence on the property of Deer Creek, LLC.

I personally have spent thousands of hours on the Salmon & Snake rivers. I own property on the Snake River & have seen many private docks on both rivers.

People who own property on these rivers should be granted a permit for a private dock. It is done throughout the State of Idaho on Rivers & Lakes.

I would appreciate you approving this dock application.

Sincerely,



Ryan Rogers
Box 1206
Lewiston, Idaho 83501

RECEIVED

AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

August 9th, 2008

Director David R. Tuthill
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front St.
Boise, Idaho 83702

Dear Director Tuthill:



The public has always been allowed to enjoy the Lower Salmon River through rafters and jet boats. The beaches have always been open for users during the summer.

The removable dock proposed to be installed on the beach in front of the residence located on the property of Deer Creek, LLC is perfectly compatible with the other uses on the river and therefore I ask that you approve the application filed by the applicant.

Sincerely,



Debra Rogers
103 Marine View Ct.
Lewiston, Idaho 83501

RECEIVED

AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

August 11, 2008

Director David R Tuthill
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front Street
Boise, ID 83702

Dear Director Tuthill: 

I am writing this letter in support of the Deer Creek, LLC dock application filed with your office. As a recreational river user, I believe that the presence of a dock on the river will have no adverse impact on the Lower Salmon River, especially since it is removable and is owned by an owner who has a residence on the river. In my experience, permits for docks on rivers and lakes have always been approved and are a well-accepted method for owners to be able to make recreational uses of the river like other members of the public.

Sincerely,



Debbie Moser
3432 Bluebird Circle
Lewiston, ID 83501

RECEIVED

AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

August 7th, 2008

Director David R. Tuthill
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front Street
Boise, Idaho 83702

Dear Director Tuthill: 

There is another dock on the river owned by a private property owner who has a residence on the river. I therefore believe that it would be unfair and discriminatory to not allow Deer Creek LLC to similarly have a removable, recreational dock at its residence since the Lower Salmon River is open and available for all types of recreational users.

Sincerely,



John Mendoza
3410 Quails Nest Dr.
Clarkston, Wa 99403

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AUG 14 2008

DEPARTMENT OF
WATER RESOURCES

August 11, 2008

Director David R Tuthill
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front Street
Boise, ID 83702

Dear Director Tuthill: 

I have traveled the Lower Salmon River and know that the proposed dock put in the river last year by Deer Creek, LLC, is totally compatible with the river. I therefore urge you to approve the application filed by Deer Creek, LLC.

Sincerely,


Carrie Ball
3427 18th Street
Lewiston, ID 83501

RECEIVED

AUG 13 2008

DEPARTMENT OF
WATER RESOURCES

August 14, 2008

Director David R. Tuthill *DR*
Department of Water Resources
State of Idaho
Idaho Water Center
322 East Front Street
Boise, ID 83702

Re: Stream Channel Alteration Joint Application for Permits No. S79-20016 in the name of Deer Creek, LLC

My name is Arthur Seamans and I reside in Lewiston, Idaho. I retired from the USDA Forest Service in 1992 after over 32 years of service. I have a Bachelors degree in forestry from the University of New Hampshire and a Masters degree in Forest Management from Yale University. While serving with the Forest Service I completed the service's graduate level Recreation Short Course at Utah State University. I also served on the Interagency Whitewater Committee for several years and was its chairman before it was reorganized as the River Management Society.

Much of my Forest Service career was spent managing river recreation and wilderness. While assigned to the Slate Creek District of the NezPerce National Forest in 1972 through 1975 I wrote the first river recreation management plans for the Hells Canyon section of the Snake and the Upper Main Salmon Rivers. These plans focused on float boating, and the capacities established in those plans are still in place today. From 1975 to 1980 I served as Ranger for the Selway Bitterroot Wilderness' Moose Creek District and was also responsible for managing the Wild section of the Selway River. From 1980 to my retirement in 1992 I managed the Wild and Scenic Snake River in the Hells Canyon National Recreation Area.

After retirement I wanted an opportunity to put into practice what I had been aggressively promoting with Snake River outfitters, trips emphasizing education about and interpretation of Hells Canyon's magnificent resources. I have driven jetboat tours for Snake River Adventures since 1992 and continue to do so today on a part-time basis. I have also worked part time for Joe Scott and with Sandra Mitchell on river and snowmobile access issues from 1992 to the present.

My first trip on the Lower Salmon took place in February 1967 on a steel jetboat piloted by Hollis Oaks. In 1973 (to the best of my recall) I floated the Lower Salmon with Terry Kincaid of the BLM and the Middle Fork Salmon River's River Ranger Ted Anderson. There was very little float use at that time, but we were impressed with the river's beauty and potential for whitewater recreation. We were also appalled to see the river's beaches littered with thousands of old tires. Cleaning the river became a top priority for the BLM. Today the Lower Salmon is still a beautiful river providing a quality whitewater

experience to a large number of boaters, both float and power. It is also one of the only managed whitewater rivers that allow spontaneous trips without the need for reservations. This is possible because of the multitude of beaches and available campsites.

Wild and Scenic: Congress has not designated the Lower Salmon River under the Wild and Scenic Rivers Act and the stipulations of that law do not apply. Congress did move to prohibit dams via separate legislation. If the river was to be designated in the future, it is highly questionable that the area where Mr. Scott's cabin is located would qualify as scenic because that designation requires "essentially primitive shorelines". Roads can be seen from the river on both sides. Developments include cabins, lodges, ranch structures, farmed ground and a major power transmission line. The best fit for that segment of the river corridor would be recreational river, the least restrictive of the possible designations.

Wild or scenic designations do not necessarily preclude the installation of docks. For example, the wild section of the Snake River in the Hells Canyon National Recreation Area has a large permanent dock affixed to the Oregon bank at the Hells Canyon Creek launch site. Along the Scenic Snake River at Pittsburg landing there is a large permanent dock on the Idaho side of the river and a temporary dock at the administrative site on the Oregon side. Another permanent dock is located in Oregon at Cache Creek in the study section of the Snake River. Nothing in the Wild and Scenic Rivers Act precludes the possibility of docks.

The Dock in Question: The dock Mr. Scott proposes to use, and in fact was permitted to use in 2007, is low profile, earth tone and unobtrusive, environmentally safe and, most important, temporary. The anchors and dock can and will be pulled out of the river every year before freeze-up and will not be replaced until spring runoff has passed. The dock is secured to the shore from points above the high water line on Mr. Scott's private property.

The dock is to be located on the extreme end of a very large beach, in no way impairing its use by the public. Visually this small dock is no more intrusive than a boat anchored at the same location and much less intrusive than the hundreds of brightly colored craft used by commercial and non-commercial floaters on the river every day during the summer. Boats passing by this wide section of the river hug the far bank where the current is strongest and would have to be deliberately rowed or paddled through calm water to come even close to the dock.

In this section of river the setting is not primitive by any stretch of the imagination. Roads are clearly visible on both sides of the river with motor vehicles, fishermen and campers. A major powerline cuts across the hillside and buildings are clearly visible from the river. It is not an unpleasant scene, but on the developed end of the scale.

The Need for a Dock: As a long-time power boater and a person in his 70's I can say with assurance that docks serving residences and key stopping points are highly desirable. When carrying gear and supplies it is sometimes necessary to offload them

over the side of the boat instead of through the windshield. Some items are simply too large to fit. Older persons and those with disabilities are often unable to safely enter or depart over the bow, necessitating a dock.

When boats are secured to the bank via a bowline, drops of water level can leave them sunk or stranded. Rises in water level can float them free and sometimes tear them from their moorings. When simply recreating at a campsite for a day or two one can put up with the inconvenience, but when a boat is parked at a site, such as a residence or cabin, for extended periods, this is not a satisfactory arrangement. With a dock boaters can be assured their vessel is secure. This is good for the boat's owner and good for the environment.

Summary: Quite frankly, the issues surrounding issuance of this dock permit strike me as much ado about nothing. The dock is temporary and if it is ever in conflict with some future mandate it can be removed. It modifies nothing below the high water line on public property. It is visually no more intrusive than a boat tied to the bank and less visually impactful than most of the float craft used on the river. It occupies a small part of a large beach on its extreme end, leaving the balance of the beach open to the public. It has no negative impact on navigation, fish or wildlife. Please issue the permit.

Sincerely,



Arthur L. Seamans
2604 Seaport Drive
Lewiston, ID 83501

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

P.O. Box 305
Lapwai, Idaho 83540

FAX TRANSMITTAL SHEET

DATE: August 13, 2008

TOTAL NO. OF PAGES
(including cover) 3

TO:
IDWR

FAX #.
(208) 287-6700

CC:
Bureau of Land Management
U.S. Corps of Engineers - Walla Walla District

(208) 962-3275
(509) 527-7804

From: Samuel N. Penney, Chairman

**IF YOU DO NOT RECEIVE ALL THE PAGES OR HAVE ANY PROBLEMS,
PLEASE CALL Lori Picard at (208) 843-7355.**

REMARKS: The information continued in this FAX is CONFIDENTIAL AND/OR PRIVILEGED. This fax is intended to be reviewed initially by only the individual(s) named above. If the reader of this transmittal page is not the intended recipient of a representative of the intended recipient, you are hereby notified that any review, dissemination or copy of this fax in error, please immediately notify the sender by telephone and return this fax to the sender at the above address. Thank you.



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

13 August 2008

Idaho Department of 
Water Resources
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720
Fax: 208.287.6700

**Re: *In the matter of stream channel alteration joint application for permits
No. S.79-20016 in the name of Deer Creek, LLC***

Today, the Nez Perce Tribe was alerted by a third party of a July 18, 2008 "Hearing Notice" regarding an August 14, 2008 hearing on an applicant's proposal to install a floating boat dock on the Salmon River near Deer Creek. The notice does not indicate that the Nez Perce Tribe was notified of this hearing.

The Nez Perce Tribe has an extremely important cultural and historical connection with this area of the lower Salmon River. This area is within the aboriginal territory that was exclusively used and occupied by the Nez Perce Tribe, and is also within the 1855 Nez Perce Treaty territory.

In the Nez Perce Tribe's 1855 Treaty with the United States, the Tribe reserved, and the United States secured to the Tribe, fishing, hunting, gathering and pasturing rights that the tribe's ancestors had enjoyed since time immemorial. Article III of the Nez Perce Tribe's Treaty of 1855 reserves to the Tribe the right to take fish at all usual and accustomed fishing places. As the United States Supreme Court stated over 100 years ago, "The right to resort to the fishing places... was a part of larger rights possessed by the Indians, upon which there was not a shadow of impediment, and which were not much less necessary to the existence of the Indians than the atmosphere they breathed." In that case, United States v. Winans, the United States Supreme Court held that the Article III treaty right includes a right to access to all the Tribe's usual and accustomed fishing places.

Over the years, the Tribe has worked with the Bureau of Land Management (BLM) as BLM has worked to protect the natural environment of the Lower Salmon River and

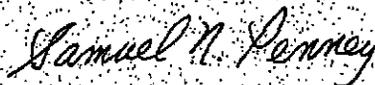
worked to honor its Treaty and trust obligations to the Nez Perce Tribe. The Tribe is concerned that this floating dock structure is not consistent with these obligations.

As long as boats have been running the Salmon River, they have been secured to the beaches and shoreline without the need for a floating dock structure. There does not appear to be any reason to alter this historical practice.

For these reasons, the Nez Perce Tribe does not support this application.

We appreciate your consideration of the Nez Perce Tribe's concerns with this application.

Sincerely,



Samuel N. Penney
Chairman

cc: Bureau of Land Management
U.S. Army Corps of Engineers - Walla Walla



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AUG 12 2008

DEPARTMENT OF WATER RESOURCES

August 8, 2008

Director David R. Tuthill
Department of Water Resources
State of Idaho
322 East Front St.
Boise, Idaho 83702

Dear Director Tuthill: [Handwritten initials]

I am aware of the pending application filed by Deer Creek, LLC to place a dock at its property on the Lower Salmon River. I had occasions last year to see the dock in the river.

In my opinion, this dock is very appropriate for the area and beach. It was located at one end of the beach so as not to interfere with the public usage of the beach. The dock is of very sturdy constructions and is anchored to rocks above the high water mark of the river.

Since it is located in the dead water area by the property, I cannot see how it would in any way interfere with the spawning of fish or impact the water quality in the river. Because of its location, it does not interfere with any traffic on the river. As I observed rafters and jet boats going up and down the river, there was no problem whatsoever with the presence of the dock in the water.

I ask that you therefore approve the application for the dock filed by Deer Creek, LLC.

Sincerely,
[Handwritten signature]
Rich Rogers
Rogers Motors Inc.
2203 16th Avenue
Lewiston, Idaho 83501

Sales • Service • Parts • Collision Repair • Detail Center

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AUG 11 2008

DEPARTMENT OF
WATER RESOURCES

August 8, 2008

Mr. David Tuthill Jr., Director
State of Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise Idaho 83720-0098

Re: Stream Channel Alteration Application for permit No. S79-20016, Deer Creek, LLC

Dear Mr. Tuthill:

As one of the few private land owners along the lower Salmon River and a river outfitter I probably spend more days per year on that section of the river than any other single person. My brother, Darell, and I have owned the land our lodge is located on since 1981, and have had a dock permit for a number of years. It is extremely rare to see any other river users occupy the beach section in front of the proposed dock site because the beach is generally steep and quite narrow.

We have no objections to the issuance of this permit. We find our dock to be very useful and it contributes significantly to the safety of boarding passengers and cargo. We know that dock permits are being issued for properties along the Snake River above Heller Bar and are in a river section that float craft have to pass by, if they pass by Deer Creek. Both river sections are unclassified.

We remove our dock before high water in the spring and do not reinstall until low water, generally in the early fall and assume that would be the case for the Deer Creek dock. In both cases the primary use of the dock is during steelhead season from October thru February when few other people are using this river section.

We have found Mr. Scott to be a very good neighbor. As taxpayers in the State of Idaho and in Nez Perce County we appreciate the huge contribution the Scott family has made to the school systems in Idaho and how they have expanded the property tax base for Nez Perce County with little use or impact on the river.

Respectfully yours,



Darell Bentz
Rusty Bentz
Intermountain Excursions
Bentz River Exploration

AUG 12 2008

DEPARTMENT OF WATER RESOURCES

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO, DEPARTMENT OF LANDS

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

The applicant has sent copies of this application to the agencies checked: ID Dept. Water Res. - Boise [X], Cover d'Alene [], ID Dept. Lands [], Corps of Engineers - Walla Walla [].

PLEASE TYPE OR PRINT
1. Corps of Engineers #
2. State of Idaho #
3. NAME OF APPLICANT Rusty Bentz
MAILING ADDRESS 1309 Powers Ave
Lewiston, ID 83501
PHONE Work () Home (208) 743-0336
Date of Application 12/30/98
4. AUTHORIZED AGENT
MAILING ADDRESS
PHONE Work () Home ()

5. Location where proposed activity exists or will occur.

Name of waterway Salmon River Tributary of Snake River tributary of Columbia Riv
Assessor's Desc. (Tax Number or Subdivision, Lot & Block No.)
In or near city or town
Lewis Idaho 24 31N 3 West
County State Zip Code Section Township Range

6. Describe the proposed activity, including description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms. If additional space is needed, use a separate sheet or Section 15 (Remarks).

Describe the proposed activity in detail: The proposed activity is to tether a log parallel to the north shore line of the Salmon River, to serve as a natural clearing boat moorage. It is anticipated that the log could only be in place during lower water flows from late summer to early spring.

Describe construction methods and equipment: The log would be Cedar for maximum buoyancy and would be approximately eighteen inches in diameter and approximately thirty feet long. It would be held by three chains, two chains attached to the log and attached to two large river boulders. The rocks are existing and the chains would be hidden to the maximum extent possible.

Length of project along the stream or extension into lake or reservoir: 40'

Stream gradient: Unknown

Will material be placed waterward of ordinary high water mark? No

Will material be placed in adjacent wetlands? No

Type of fill material: None required (i.e. sand, etc.) Material Source:

Volume of material to be placed (cubic yards)

Will excavation be required? No Disposal Site Location:

Method of diverting flow, if needed: Not needed

Method of controlling turbidity:

7. Preparation of drawings. One set of original or good quality reproducible drawings must be attached to this application. NOTE: DRAWINGS NO LARGER THAN 8 1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings.

8. Purpose and intended use:

Commercial _____ Public _____ Private X Other _____

Describe the purpose is to make it safer for boarding and de boarding passengers

9. Proposed Starting Date 2/15/1999 Estimated Duration ONE WEEK

10. If any portion of the activity is complete indicate month and year of completion NO WORK HAS STARTED Indicate the existing work on the drawings.

11. Names, addresses and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

Bureau of Land Management Rt 3, Box 181, Cottonwood Idaho
208-962-3245

12. LEGAL OWNER IF OTHER THAN APPLICANT

MAILING ADDRESS _____ City, State, Zip Code _____
PHONE _____ Work (Area) _____ Home (Area) _____

13. List other applications, approvals or certifications from other Federal, interstate, state, or local agencies for structures, constructions, discharges, deposits, or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? YES NO (if "Yes" explain)

15. Remarks or additional information:

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

Date December 30, 1998

Signature of Applicant (Required) Rusty Bentz

The application must be signed by the applicant. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date _____ Signature of Authorized Agency (if applicable) _____ Signature of Applicant (if applicable) _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND PROCESSING FEE WITH APPLICATION

SALMON RIVER FLOW →

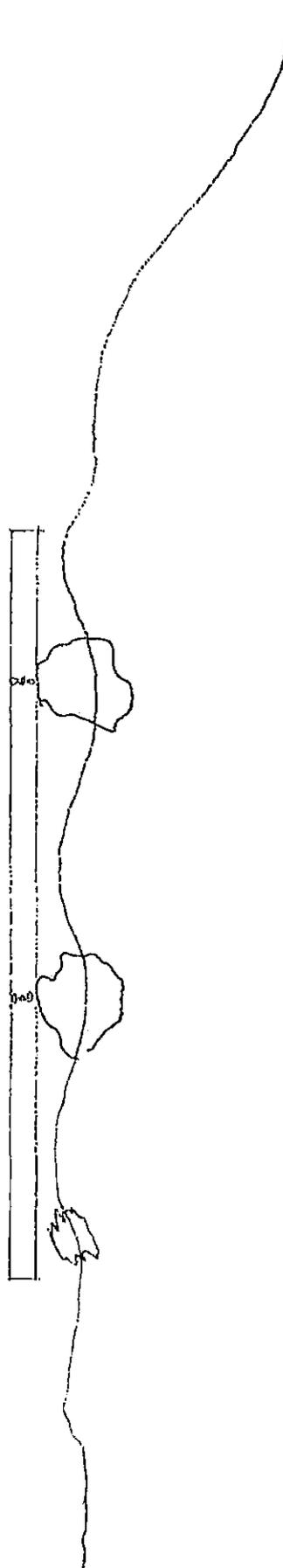


FIGURE 11.11



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
201 NORTH THIRD AVENUE
WALLA WALLA, WASHINGTON 99362-1876

January 19, 1999

Operations Division

SUBJECT: NWW No. 990500060

Mr. Rusty Bentz
1309 Powers Avenue
Lewiston, Idaho 83501

Dear Mr. Bentz

This concerns your application for a Department of the Army permit to construct a boat mooring structure in the Salmon River.

Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be issued for the discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities which result in the discharge of dredged material and destroy or degrade waters of the United States.

Based on the information provided in your application, the project does not involve the discharge of dredged or fill material below the ordinary high water mark of Salmon River. Therefore, a Department of the Army permit is not required. If you intend to change your plans as described in your application, referenced above, and the change includes the discharge of dredged or fill material in waters of the United States, including wetlands, a permit will be required and you must contact us before you start your work.

This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. A permit may be required from the Idaho Department of Water Resources for your project. You should contact them to obtain any necessary permits prior to the start of construction.

A local floodplain management ordinance may have been adopted by your local city or county zoning office under the National Flood Insurance Program. You should contact them regarding any approvals or permits they may require for your project.

Barry W. Dow
P.O. Box 1692
191 Potter Lane
McCall, Id. 83638
USA

Phone: 208.634.4355
Fax: 208.634.7609

8/13/2008

Idaho Department of Water Resources
Idaho Water Center
322 E. Front St.
Boise, Idaho

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AUG 13 2008
WATER RESOURCES
WESTERN REGION

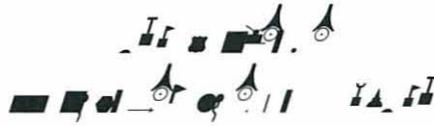
Dear Director please make this statement a part of the public comment regarding Joint Application for Permits No. S79-20016.

I ask that the department deny this application. I have been a commercial river guide for thirty-three years in Idaho. I have enjoyed and shared the scenic beauty of the Lower Salmon River even as things changed: structures were built, an illegal road was constructed to the river shore and vast numbers of people began using the recreational resource open to entry without permit to all comers.

The possible construction of a private dock on the Salmon is unprecedented. What would be the outcome if this permit were granted and suddenly many other private owners wanted their own docks? We could see a proliferation of these structures and a consequent degrading of scenic value for all users for all time. I suggest that someone from your agency should go and view the results of multiple docks on the Snake River above Heller Bar. It is not a particularly pleasing sight This is about a convenience for the owner that is unnecessary as his property adjoins one of the largest beaches on the river. He can park his boat as others do on the sand.

Thank you for your consideration.

Respectfully, Barry Dow.



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AUG 13 2008

WATER RESOURCES
WESTERN REGION

August 12, 2008

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

To Whom It May Concern: 

Subject: Joint Application for Permit #S79-20016

I hope you recognize the timing of the August 14 hearing on Permit #S79-20016 severely limits participation by those individuals who spend their summers working or otherwise participating in the non-motorized boating community. This is the peak season for commercial river trips and so lack of physical presence should in no way be construed as lack of concern about this permit application.

Placement of a permanent dock on the lower Salmon River at the beach near Deer Creek, on property owned by the State of Idaho, in the simplest terms is totally inappropriate and unnecessary. The relatively predictable and stable flows of an undammed river negate any need for such a structure. It would, rather, be an implied statement of ownership over a section of beach that is in the public domain and not under the purview of a person with the wherewithal to construct an obscene blight on the scenic value of the river canyon.

Maintaining the integrity of this river jewel serves the interest of a greater segment of the population - both the local business communities and the population who appreciate the currently relatively unfettered access the Lower Salmon River offers.

I continue to strongly urge your agency to reject Permit #S79-20016. Your consideration of my request is appreciated.

Sincerely,

Juanette Cremin

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AUG 11 2008
DEPARTMENT OF
WATER RESOURCES

August 8, 2008

Mr. David Tuthill Jr., Director
State of Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise Idaho 83720-0098

Re: Stream Channel Alteration Application for permit No. S79-20016. Deer Creek. LLC

Dear Mr. Tuthill: *Dur*

As one of the few private land owners along the lower Salmon River and a river outfitter I probably spend more days per year on that section of the river than any other single person. My brother, Darell, and I have owned the land our lodge is located on since 1981, and have had a dock permit for a number of years. It is extremely rare to see any other river users occupy the beach section in front of the proposed dock site because the beach is generally steep and quite narrow.

We have no objections to the issuance of this permit. We find our dock to be very useful and it contributes significantly to the safety of boarding passengers and cargo. We know that dock permits are being issued for properties along the Snake River above Heller Bar and are in a river section that float craft have to pass by, if they pass by Deer Creek. Both river sections are unclassified.

We remove our dock before high water in the spring and do not reinstall until low water, generally in the early fall and assume that would be the case for the Deer Creek dock. In both cases the primary use of the dock is during steelhead season from October thru February when few other people are using this river section.

We have found Mr. Scott to be a very good neighbor. As taxpayers in the State of Idaho and in Nez Perce County we appreciate the huge contribution the Scott family has made to the school systems in Idaho and how they have expanded the property tax base for Nez Perce County with little use or impact on the river.

Respectfully yours.



Darell Bentz
Rusty Bentz
Intermountain Excursions
Bentz River Exploration

Golart, Aaron

From: John Karpenko [jkarpenko@ruenyeager.com]
Sent: Monday, August 11, 2008 4:45 PM
To: Golart, Aaron
Subject: Comments on the matter of Permit App No. S79-20016
Attachments: Joe_Scott_Dock_Application_Comments JJK.doc

RECEIVED
AUG 12 2008
WATER RESOURCES
WESTERN REGION

Dear Mr. Golart, *JJK*

I had previously sent (April 9, 2008, letter attached to this email again) my comments on an application for a dock (floating or fixed) on the Lower Salmon River by Deer Creek LLC. My thoughts and opinions on this matter have not changed much since that letter was sent except, I recently floated the permit section of the Main Salmon River which provided me with a refreshed perspective.

This refreshed perspective is that with the exception of public launching facilities; docks whether they be fixed, floating, tethered, or cable stayed are not appropriate along the Lower Salmon River. Please enter my reiterated comments into the Hearing documents record. Thank you for the opportunity to comment on this matter.

Sincerely

John J. Karpenko P.E.
Senior Project Engineer

Ruen-Yeager & Associates, Inc.
3201 North Huetter Road, Suite 102
Coeur d'Alene, Idaho 83814
208 292 0820 office
208 659 5640 cell
jkarpenko@ruenyeager.com

April 9, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RECEIVED

AUG 12 2008

WATER RESOURCES
WESTERN REGION

**RE: Comments on Joint Application for Permit #S79-20016
Dock Application Near Deer Creek, Lower Salmon River, Idaho**

Please find below, my comments regarding an application for a private dock on the Lower Salmon River in the Deer Creek area. I want to go on record as against this proposed dock installation. The presence of the dock in this stretch and most stretches of the Lower Salmon River will give the public the illusion that private property rights extend along the large public beach here and all along the "Lower".

It seems that the time proven standard practice of tying up to the beach works well for the thousands of users each year and through the past hundred years, I do not see where an adjacent private property owner is placed in any hardship by not following this practice.

The public lands are always under attack especially where private property in holding owners can force a wedge down to into a priceless public property gem. I believe this is an unnecessary infringement on the public.

It is my understanding that the people of the State of Idaho through our State agencies have spent many millions of dollars consolidating, acquiring property, and easements to maintain and preserve public access to the Lower River and provide better quality wildlife habitat. Issuance of a dock permit here seems to be contrary to many of the best efforts, in my opinion, of the State to help safeguard this resource

It seems with the recent seasons of intense fires, the Lower Salmon has seen an increase in use, with this increased use removal and buy outs of private property would be more acceptable than installation of a very intrusive feature for use by a very narrow segment of the population, this would be a precedent setting intrusion.

I implore you to deny this application. I can find no just reason to permit a dock here.

I personally believe the public would shy away from using this area, even more than they do now, and would ultimately result in privatizing this large section of public beach. There is no value to the general public, only another point of galvanizing public opinion against private property owners. A friend reported to me that last summer they were shooed away when they beached their raft on this section by the "owners" who indicated to them they owned this beach. While I do not advocate hostility and most river people shy away from conflict, this really indicates to me that the presence of a dock would instill a feeling of ownership of the beach by the dock permittees and would preclude use of the beach by the real owners, the public.

I appreciate the opportunity to comment on this application.
Sincerely,

John J. Karpenko
11457 N. Summit Loop
Hauser, Idaho 8354

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AUG 05 2008

DEPARTMENT OF
WATER RESOURCES

July 31, 2008

Mr. David R. Tuthill Jr., Director
State of Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Stream Channel Alteration Application for Permit No. S79-20016 in the name of
Deer Creek, LLC

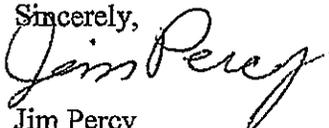
Dear Mr. Tuthill: *DRS*

My name is Jim Percy and I have been running the Lower Salmon River for many years, primarily in the spring, early summer and fall. This section of the Salmon River is one of my favorite whitewater rivers.

I support the issuance of a permit to Deer Creek, LLC for a small removable dock. The dock will in no way impact me. It is totally a non-issue. From this section of the river, you can see homes, cattle ranches and roads. What possible harm to anyone will there be from seeing a small dock? After all, one sees jet boats and rafts tied up to the shoreline and down the river.

I urge you to please grant the permit.

Sincerely,



Jim Percy
1250 Stegerman Ct.
Meridian, ID 83642



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AUG 01 2008

DEPARTMENT OF
WATER RESOURCES

❖ Don Vogel ❖ 1009 Grelle Avenue ❖ Lewiston, Idaho 83501 ❖ 208-746-9590 ❖

July 28, 2008

Mr. David R. Tuthill Jr., Director
State of Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Stream Channel Alteration Application for Permit No. S79-20016 in the name of Deer Creek, LLC

Dear Mr. Tuthill:

My name is Don Vogel and I also own land on the Lower Section of the Salmon River. My jetboat outfitting business, Vogel Outdoor Adventures, is based there, thus I routinely travel on the Lower Salmon through much of the year.

I have no objections to issuance of this permit. I see no more visual intrusion from a temporary dock, such as is proposed, than a group of rafts or jetboat tied to the bank. The Salmon River is a navigable waterway, in essence a public highway, which has been used for commerce and public access for over a century. It is a primary access to privately owned lands along the river, such as that associated with this permit application.

While land can be accessed by boat without docks, this has some serious limitations. It is difficult to load and unload passengers with disabilities or infirmities over the bow of a boat; dock facilitates that access. It is also difficult to load and unload some of the items needed for use and maintenance of a residence through the windshield and over the nose of a boat. A dock makes the transfer simpler. A dock also provides protection of moored craft from the effects of sudden changes in water levels.

I fail to see how having a dock anchored to a beach would displace other boaters any more than a boat parked there. This is especially true where private structures are located on the adjacent land that overlooks the beach. While the public is free to stay there, most want to be out of sight and sound of other parties and will locate elsewhere.

This facility poses no threat to fish or water quality. This river is not designated as Wild or Scenic and need not be managed as such. Even if it were designated, there are docks on wild and scenic rivers that have not been issues. I recommend that you issue this permit.

Sincerely,

Don Vogel

Vogel Outdoor Adventures, LLC

Friday, July 25, 2008

RECEIVED

JUL 28 2008

DEPARTMENT OF
WATER RESOURCES

Mr. David R. Tuthill Jr., Director
State of Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Stream Channel Alteration Application for Permit No. S79-20016 in the name of Deer Creek, LLC

Dear Mr. Tuthill: *DK*

I have had the opportunity to raft the Salmon River 4 times, so far, and see no ill effectives of allowing a removable dock for Deer Creek LLC. If anything the dock would increase safety for loading or unloading of a powerboat, raft, or drift boat. This is a multiple use area and should be managed for multiple use....including a dock.

There is no logical, or environment reason to deny the permit. Please grant Permit No. S79-20016.

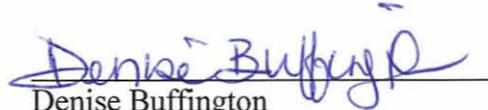
Regards,



Jim McIver
3527 20th St
Lewiston Id 83501

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2008, I mailed a true and correct copy, postage prepaid, of the foregoing **NOTICE OF HEARING** to the person(s) listed below:


Denise Buffington
Administrative Assistant

Notice of Hearing

Curtis Chang
Oars-Dories Inc
1127 Airway Ave
Lewiston ID 83501
curt@oars.com

Michael Garrity
608 N Sheridan
Tacoma WA 98403
mdgarrity@gmail.com

Joe Kimbro
7625 SW Wilson Ave
Beaverton OR 97008
bigjoekimbro@yahoo.com

Darin Goble
4550 NE 30th Ave
Portland OR 97211
darin.goble@welocalize.com

Kate Wollney
1177 W 13th
Eugene OR 97402
katewollney@hotmail.com

Gary Lane
Wapiti River Guides
PO Box 1125
Riggins ID 83549

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PO Box 1101
Driggs ID 83422

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PO Box 49
Ketchum ID 83340
sweepboater@cox.net

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Coeur d' Alene ID 83816
koni@rowadventures.com

Lu Verne D Grussing
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Juliaetta ID 83535

Doug Dennis
454 Seven Devils Rd
Riggins ID 83549

Notice of Hearing – sent via e-mail

Jerry Myers
Indian Creek Guest Ranch
info@indiancreekguest ranch.com

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Rob Masonis
rmasonis@msn.com

Lom Hutchins
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Toby Mc Mullen
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Anne Mc Kee
Mc Kee Real Estate
Anne@McKeeRealEstate.info

Jared Forsythe
jared@wyellowstone.com

Jessica Helsley &/or Greg Felten
ROW Adventures & Salmon River Experience
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Bill Platts
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Joel Huettig
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Brigitte Derel
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Jessica Evanswall
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Richard K Bailey
icilybear@eoni.com

Bob House
biohouse@cableone.net

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF STREAM CHANNEL)
ALTERATION JOINT APPLICATION FOR)
PERMITS NO. S79-20016 IN THE NAME)
OF DEER CREEK, LLC)
_____)**

HEARING NOTICE

On March 21, 2008, Deer Creek LLC submitted Stream Channel Alteration Joint Application for Permits No. S79-20016 to the Idaho Department of Water Resources (IDWR). The applicant proposes the installation of a floating boat dock on the Salmon River located in the North 1/2 of Section 27, Township 31N, Range 03W, BM.

Parties are hereby notified a Hearing has been scheduled by IDWR to solicit comments regarding Joint Application for Permits No. S79-20016.

TIME AND DATE OF HEARING: 9:30 AM, Thursday, August 14, 2008

LOCATION: Idaho Department of Water Resources, Idaho Water Center, 322 E Front Street, Boise Idaho. (parking is available in parking garages off Front St.)

HEARING OFFICER: Director David R Tuthill

CONDUCT OF HEARING: The hearing will be conducted in accordance with provisions of Idaho Code (IC) Title 67, Chapter 52; IC Title 42, Chapter 38; Administrative Rules of Procedure IDAPA 37, Title 01, Chapter 01; Stream Channel Alteration Rules IDAPA 37, Title 03, Chapter 07.

Speakers will be requested to limit their oral comments/presentations to no more than 10 minutes. Additional time may be granted at the discretion of the hearing officer. Cross-examination of speakers will not be permitted, and speakers will not be permitted to yield their presentation time to other speakers and/or participants. Additional written comments may be submitted by speakers for the record.

The hearing will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, or participate in the hearing, please advise IDWR at least ten (10) days prior to the conference.

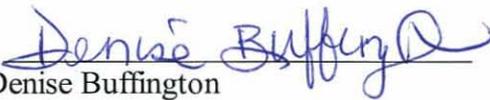
Dated this 18th day of July, 2008



John Westra, Manager Western Region.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July, 2008, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **NOTICE OF HEARING** to the person(s) listed below:


Denise Buffington

Notice of Hearing

**Thom Hawkins, Area Manager
Idaho Department of Lands
PO Box 68
Craigmont, ID 83523**

**Duane Mitchell
Corps of Engineers
Walla Walla District
201 North 3rd AVE
Walla Walla, WA 99362-1876**

**Dennis Moyer, Vice President
Alscott Inc.
501 Baybrook Court
Boise, ID 83706-3963**

**Kevin Lewis, Conservation Director
Idaho Rivers United
PO Box 633
Boise, ID 83701**

**Terry Cople, Attorney
Davison, Cople, Cople & Cox, LLP
199 N Capitol Boulevard #600
PO Box 1583
Boise, ID 83701**

**Daniel Stewart
Idaho Dept. of Environmental Quality
300 W Main
Grangeville, ID 83530**

**Stephanie Connolly, Field Manager
Bureau of Land Management
1 Butte DR
Cottonwood, ID 83522**

**Ray Hennekee
Idaho Dept. of Fish & Game
3316 16th ST
Lewiston, ID 83501**

**David Tuthill, Director
Idaho Dept. of Water Resources
322 E Front ST
Boise, ID 83720**

**Carol Furey-Werhan
Lewis County Planning & Zoning
510 Oak ST, Room #7
Nezperce, ID 83543**

Galloway, Chuck

From: Tuthill, Dave *DTL*
Sent: Thursday, July 03, 2008 8:30 AM
To: Spackman, Gary; Galloway, Chuck
Subject: FW: S79-20016

-----Original Message-----

From: Kevin Lewis [mailto:kevin@idahorivers.org]
Sent: Wednesday, July 02, 2008 11:00 AM
To: Golart, Aaron
Cc: 'Bill Sedivy'; 'LuVerne Grussing'; 'Laird Lucas'; Tuthill, Dave; 'Pierre Herman'
Subject: RE: S79-20016

Aaron,

I've had several calls in reference to the application to install a dock on the lower Salmon River and rumor has it that IDWR intends to issue the permit. As you are well aware, there have been numerous comments in opposition to the issuance of this permit - including comments from the Bureau of Land Management and Idaho Rivers United (IRU) asking that this application be denied.

To be perfectly clear, IRU strongly opposes the issuance of this permit. Additionally, the BLM has also requested this permit be denied, as the proposed project conflicts with management objectives for the Lower Salmon River. Therefore, should IDWR decide to issue this permit, IRU will likely petition for a hearing and a motion to stay the permit.

-Kevin

If you love a river. . .

Kevin Lewis
Conservation Director
Idaho Rivers United
www.idahorivers.org

Office (208) 343-7481
Fax (208) 343-9376
Cell (208) 830-4870

7/3/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 19, 2008

Mr. Dennis Moyer
Deer Creek, LLC
501 Baybrook Court
Boise ID 83706

RE: Joint Application for Stream Channel Alteration Permit no. S79-20016
Removable boat dock in the Salmon River

Dear Mr. Moyer:

Thank you for your letter providing comments and concerns dated May 12, 2008. Your input is appreciated and will be considered. Idaho Department of Water Resources will consider all comments together with information submitted in the application and input from other state agencies and render a decision based upon Idaho Code Section 42-3805.

If you have any questions please do not hesitate to call me at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Golart', written in a cursive style.

Aaron Golart
Stream Channel Protection Specialist
Stream Channel Protection Program

The logo for ALSCOTT, featuring the word "ALSCOTT" in a serif font inside a rectangular box.

501 Baybrook Court
Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101

RECEIVED

MAY 15 2008

WATER RESOURCES
WESTERN REGION

TELEPHONE: (208) 424-3840

FAX: (208) 424-3850

May 12, 2008

Mr. Aaron Golart
Stream Channel Protection Specialist
Stream Channel Protection Program
Department of Water Resources, Western Region
PO Box 83720
Boise, Idaho 83720-0098

RE: Approved Application Removable Boat Dock in Salmon River

Dear Mr. Golart:

I have received your letter dated May 1, 2008 which retracts and amends your previous letter sent dated April 16, 2008. During our subsequent telephone conversation, it was suggested that we respond and set forth the reasons why we believe we are entitled to our dock.

First, I would like to restate the basic point that this project for a floating, removable dock was properly reviewed and approved by all relevant governmental agencies. The instructions and guidelines dictated by the Idaho Department of Water Resources and Idaho State Department of Lands were followed exactly. All agencies contacted, as required by the IDWR were given the opportunity to carefully review the detailed information describing the aspects of the project. This included the Bureau of Land Management at the Cottonwood Office. **Each of those authorized agencies gave their official approval to the project in 2007.**

We then expended time, effort, and money as we relied on those approvals in good faith. The materials were purchased, transported, assembled, and installed. At the end of the season, the dock was removed and stored in anticipation of the winter season and spring high water run off. All this was carried out as planned in the letter and project description reviewed and approved by these governmental agencies.

In your most recent letter, you emphasized that IDWR has the direct authority as to whether the project would be permitted on the river. You also state that State Lands has authority over the riverbed and banks. This is completely consistent with what I was told in 2007 and is also why we relied on IDWR review and approval at that time.

Mr. Aaron Golart
Idaho Department of Water Resources
May 12, 2008
Page 2

In 2007, I was initially prepared to submit the 404 Form as an application for the dock approval. However, in separate conversations with Mr. Chris Welker and Erv Ballou, officials authorized to represent IDWR, as well as, Mr. Scott Corkill and Thom Hawkins of the Idaho Department of State Lands I was told repeatedly not to submit the 404 Form because that is no longer required by the State for rivers. There was a clear and consistent consensus from all these state officials that a 404 Form application was not needed. A letter, along with drawings and dimensions of the dock, maps, photographs, etc. would be all that was required to obtain approval of the dock.

Following those specific instructions, I received approval for the project from Mr. Thom Hawkins, Area Supervisor, Craig Mountain Area of the Idaho Department of Lands on April 9, 2007 and from Mr. Erv Ballou, Coordinator Stream Protection Program, Resource Protection Bureau of the Idaho Department of Water Resources on April 23, 2007. Mr. Kurt Paviat, Field Manager of the Cottonwood office of the US Bureau of Land Management in Cottonwood stated on March 21, 2007, that their office had no objection after reviewing the dock materials.

Then earlier this year, I was informed that State Lands had requested that the 404 Form be submitted "so that they could complete their files" and that submitting the form was a just a formality, however, it now **appears obvious that other motives actually were in play.** In fact, as soon as I complied and submitted the 404 Form, it was circulated to specific groups that would have a differing opinion and they were then encouraged to send letters of objection under an organized form letter and email campaign.

Interestingly, the "404 Form Application" was circulated only to those who might oppose the dock project but not circulated to those who might support or not object to the project.

The Corps of Engineers has provided a letter that states that they see no adverse intrusion or impact on the stream flow, riverbed or banks. Lewis County has stated that they too do not object to the dock.

The only objections were from those who were part of the negative letter writing campaign. Their comments offered emotional responses and subjective opinions, but were not factual and not entirely relevant to the situation.

There was misinformation circulated about the dock that it was a permanent structure, however actually it is a floating, removable dock, as directed by the design standards of the IDWR.

Mr. Aaron Golart
Idaho Department of Water Resources
May 12, 2008
Page 3

There was misinformation that the dock is located in such a way that it somehow interferes with the main current channel of the river. In reality, it is located in back water just off a sand bar and does not alter or interfere with the stream flow.

The dock is located away from the main stream channel and well out of the current. There is no interference with floaters, rafts or jet boat traffic up and down the river. The dock was in the river last year with no problems for anyone.

Next, nearly all the negative respondents were misinformed about the classification of this stretch of the Salmon River where this dock is located. It is not designated as a Wild, Scenic or Recreation River nor is it in wilderness as other areas of the Salmon or Snake River are.

The floating dock has no more impact on the river (especially in its slack water location) or the sand bar than any raft or jet boat moored along the shoreline as routinely occurs in this area.

Acting on good faith and in reliance upon instructions from IDWR, the owner proceeded with the installation of the dock in 2007. It was maintained as promised and removed at the end of the season as intended and authorized. The dock has a grandfathered approval to be placed there. It will be reinstalled in 2008 and in the future under the same guidelines and approval granted to us in 2007.

Also I do want to note that another dock has been on the river which was approved previously by these agencies without any problems or issues whatsoever.

Deer Creek LLC contacted the State Agencies and complied with their instructions and advice properly in gaining the approval to install the dock. The recent decision to reopen the application process seems to have originated from pressure from certain individuals within the agency and within the negative special interest group who don't happen to agree with the 2007 decision by the authorized State officials who reviewed that request.

It is not appropriate nor is it acceptable to force the re-opening of this matter at their personal whim.

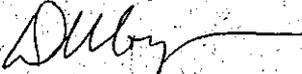
In summary, we have relied upon the applicable state agencies' instructions in obtaining the prior approval of our dock. We received specific approval for its construction and

Mr. Aaron Golart
Idaho Department of Water Resources
May 12, 2008
Page 4

thereafter expended substantial sums to have the very specific and compliant-type of dock prepared to put in the river. The dock was put into the river last year and was used without any problems, issues, or complaints. Now, after having expended all of these funds in reliance upon the instructions from the IDWR and having obtained all of the appropriate approvals, it simply is not appropriate or legal that an effort be made to try and take away our permit. Because of the manner in which this is being handled, we asked our attorneys to analyze this issue and as you can see from the enclosed letter, it is illegal under Idaho law to try and revoke the permission permit.

Based upon these facts, we strongly urge you to reaffirm the permit previously granted to us. We will assume unless we are otherwise advised that the information we have provided to you in this letter is sufficient for your purposes. If you would care to have a meeting to discuss these facts or call me, please feel free to do so.

Sincerely,



Dennis Moyer
Vice President, Alscott Inc.
For Deer Creek LLC

Enclosure

RECEIVED

MAY 15 2008

WATER RESOURCES
WESTERN REGION

Davison, Copple, Copple & Cox, LLP
Attorneys at Law

Direct Contact:

Terry C. Copple
Direct: (208) 342-3766

E-Mail: tcopple@davisoncopple.com
<http://www.davisoncopple.com>

199 North Capitol Boulevard, #600
Post Office Box 1583
Boise, Idaho 83701

Telephone: (208) 342-3658
Facsimile: (208) 386-9428

May 1, 2008

SENT VIA E-MAIL

Dennis Moyer
Sandra Mitchel
Deer Creek, LLC
c/o Alscott, Inc.
501 Baybrook Court
Boise, Idaho 83706

Re: Deer Creek Dock

Dear Dennis and Sandra:

We have analyzed the various documents you have provided to us with regard to the history of the approval of the boat dock located at the Deer Creek, LLC property on the Salmon River.

After having carefully analyzed the history of the transaction as well as the relevant documents, it is clear that you have been granted lawful permission to have the dock located at the beach at the Deer Creek, LLC property by the appropriate government agencies.

You were instructed by the Idaho Department of Water Resources to contact the various state agencies and obtain their approval to the placement of the dock at your property in the Salmon River. As a result of this process, you ultimately obtained approval for the installation of the dock.

Importantly, in reliance upon the approval which was granted to you by the state as well as clearances from the federal agencies, you expended substantial sums to complete the dock and thereafter installed it at your property. During the last year that the dock has been at your property, there have been no issues, complaints, or other incidents with regard to the dock, thereby showing that in fact there is no safety or other issue whatsoever with regard to its placement.

Additionally, we understand that there has been another dock approved on the river and it has been in place for ten (10) years without any adverse consequences to the river or other boaters.

Dennis Moyer
Sandra Mitchel
Deer Creek, LLC
c/o Alscott, Inc.
May 1, 2008
Page 2

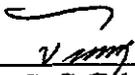
The Idaho Supreme Court has been called upon in the past to address whether or not permits granted by a government agency can be revoked after an applicant has expended funds to build the project in reliance upon the permit. In the important Idaho Supreme Court decision of Boise City v. Blaser, 98 Idaho 789, 572 P.2d 892 (1977), the Idaho Supreme Court ruled that a government agency cannot revoke its prior permission if the project has been completed in reliance upon that permission. The decision in the Blaser Case has been repeatedly reaffirmed by the Idaho Supreme Court.

While you may have extended a courtesy to the Idaho Department of Water Resources to file an application in order for the Department to complete its paperwork, the filing of such an application cannot in any way constitute a revocation of the prior permission which was granted to you. Accordingly, if any effort is made by the State of Idaho or any federal agency to revoke the permission granted to you, then please immediately contact this office in order that we can immediately protest the action of the government agency and thereafter take appropriate steps to have your rights protected in District Court through litigation.

If you have any further questions with regard to this matter, please do not hesitate to contact this office.

Very truly yours,

DAVISON, COPPLE, COPPLE & COX, LLP

By: 
Terry C. Copple, of the firm

TCC/tap

**CRAIG MOUNTAIN
SUPERVISORY AREA**
PO Box 68
Craigmont, ID 83523
Phone (208) 924-5571
Fax (208) 924-5572



GEORGE B. BACON, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

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MAY 07 2008
DEPARTMENT OF
WATER RESOURCES

May 05, 2008

RP

Chuck Galloway
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720

RE: Deer Creek LLC –Salmon River Permit #S79-20016

Dear Mr. Galloway:

The Idaho Department of Lands (IDL) has no statutory or rule objection to this application. IDL does have a Memorandum of Understanding with the Bureau of Land Management (BLM) for the management of recreational activities on this portion of the Salmon River. As such, IDL asks that the Idaho Department of Water Resources (IDWR) consider any comments made by the BLM.

If IDWR determines that this permit be issued, the IDWR permit will serve as the permit from IDL as well.

Thank you for the opportunity to review and comment on this application.

Sincerely,

Thom Hawkins
Area Manager

cc: Eric Wilson, IDL
Stephanie Connolly, BLM

The logo for ALSCOTT, featuring the word "ALSCOTT" in a serif font inside a rectangular border with a circular graphic element at the top right.

501 Baybrook Court
Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101

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MAY 13 2008

WATER RESOURCES
WESTERN REGION

TELEPHONE: (208) 424-3840

FAX: (208) 424-3850

May 12, 2008

Mr. Aaron Golart
Stream Channel Protection Specialist
Stream Channel Protection Program
Department of Water Resources, Western Region
PO Box 83720
Boise, Idaho 83720-0098

RE: Approved Application Removable Boat Dock in Salmon River

Dear Mr. Golart:

I have received your letter dated May 1, 2008 which retracts and amends your previous letter sent dated April 16, 2008. During our subsequent telephone conversation, it was suggested that we respond and set forth the reasons why we believe we are entitled to our dock.

First, I would like to restate the basic point that this project for a floating, removable dock was properly reviewed and approved by all relevant governmental agencies. The instructions and guidelines dictated by the Idaho Department of Water Resources and Idaho State Department of Lands were followed exactly. All agencies contacted, as required by the IDWR were given the opportunity to carefully review the detailed information describing the aspects of the project. This included the Bureau of Land Management at the Cottonwood Office. **Each of those authorized agencies gave their official approval to the project in 2007.**

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In your most recent letter, you emphasized that IDWR has the direct authority as to whether the project would be permitted on the river. You also state that State Lands has authority over the riverbed and banks. This is completely consistent with what I was told in 2007 and is also why we relied on IDWR review and approval at that time.

Mr. Aaron Golart
Idaho Department of Water Resources
May 12, 2008
Page 2

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The only objections were from those who were part of the negative letter writing campaign. Their comments offered emotional responses and subjective opinions, but were not factual and not entirely relevant to the situation.

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Mr. Aaron Golart
Idaho Department of Water Resources
May 12, 2008
Page 3

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In summary, we have relied upon the applicable state agencies' instructions in obtaining the prior approval of our dock. We received specific approval for its construction and

Mr. Aaron Golart
Idaho Department of Water Resources
May 12, 2008
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Sincerely,



Dennis Moyer
Vice President, Alscott Inc.
For Deer Creek LLC

Enclosure

RECEIVED

MAY 13 2008

WATER RESOURCES
WESTERN REGION

Davison, Copple, Copple & Cox, LLP

Attorneys at Law

Direct Contact:

Terry C. Copple

Direct: (208) 342-3766

E-Mail: tcopple@davisoncopple.com
<http://www.davisoncopple.com>

199 North Capitol Boulevard, #600
Post Office Box 1583
Boise, Idaho 83701

Telephone: (208) 342-3658
Facsimile: (208) 386-9428

May 1, 2008

SENT VIA E-MAIL

Dennis Moyer
Sandra Mitchel
Deer Creek, LLC
c/o Alscott, Inc.
501 Baybrook Court
Boise, Idaho 83706

Re: Deer Creek Dock

Dear Dennis and Sandra:

We have analyzed the various documents you have provided to us with regard to the history of the approval of the boat dock located at the Deer Creek, LLC property on the Salmon River.

After having carefully analyzed the history of the transaction as well as the relevant documents, it is clear that you have been granted lawful permission to have the dock located at the beach at the Deer Creek, LLC property by the appropriate government agencies.

You were instructed by the Idaho Department of Water Resources to contact the various state agencies and obtain their approval to the placement of the dock at your property in the Salmon River. As a result of this process, you ultimately obtained approval for the installation of the dock.

Importantly, in reliance upon the approval which was granted to you by the state as well as clearances from the federal agencies, you expended substantial sums to complete the dock and thereafter installed it at your property. During the last year that the dock has been at your property, there have been no issues, complaints, or other incidents with regard to the dock, thereby showing that in fact there is no safety or other issue whatsoever with regard to its placement.

Additionally, we understand that there has been another dock approved on the river and it has been place for ten (10) years without any adverse consequences to the river or other boaters.

Dennis Moyer
Sandra Mitchel
Deer Creek, LLC
c/o Alscott, Inc.
May 1, 2008
Page 2

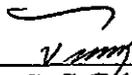
The Idaho Supreme Court has been called upon in the past to address whether or not permits granted by a government agency can be revoked after an applicant has expended funds to build the project in reliance upon the permit. In the important Idaho Supreme Court decision of Boise City v. Blaser, 98 Idaho 789, 572 P.2d 892 (1977), the Idaho Supreme Court ruled that a government agency cannot revoke its prior permission if the project has been completed in reliance upon that permission. The decision in the Blaser Case has been repeatedly reaffirmed by the Idaho Supreme Court.

While you may have extended a courtesy to the Idaho Department of Water Resources to file an application in order for the Department to complete its paperwork, the filing of such an application cannot in any way constitute a revocation of the prior permission which was granted to you. Accordingly, if any effort is made by the State of Idaho or any federal agency to revoke the permission granted to you, then please immediately contact this office in order that we can immediately protest the action of the government agency and thereafter take appropriate steps to have your rights protected in District Court through litigation.

If you have any further questions with regard to this matter, please do not hesitate to contact this office.

Very truly yours,

DAVISON, COPPLE, COPPLE & COX, LLP

By: 
Terry C. Copple, of the firm

TCC/tap

ALSCOTT

501 Baybrook Court
Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101

TELEPHONE: (208) 424-3840

FAX: (208) 424-3850

October 26, 2007

Mr. Aaron Golart
Stream Channel Specialist
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

OCT 29 2007

WATER RESOURCES
WESTERN REGION

RE: Floating Dock
Lower Salmon River near Deer Creek
Lewis County, Idaho

Dear Mr. Golart:

I thought that it might be helpful to follow up on our telephone conversation of last week. You had inquired about our dock located on the Lower Salmon River in Lewis County.

As we explained, we worked with Mr. Erv Ballou at the Idaho Department of Water Resources in reviewing the details of the project. In addition, as suggested by Mr. Ballou, we contacted the U.S. Bureau of Land Management and the Idaho Department of Lands to see if they had any concerns. Both agencies stated that they were okay with the project as proposed.

The contact at the Cottonwood, Idaho BLM office is Mr. Kurt Pavlat at telephone: 208-962-3256 or 208-962-3779. I spoke to Mr. Pavlat on this matter on March 21, 2007.

I contacted Mr. Thom Hawkins at the Craigmont, Idaho office of the Idaho Department of Lands at telephone: 208-924-5571. I spoke to Mr. Hawkins on April 9, 2007.

Mr. Ballou notified me of IDWR's approval on April 23, 2007.

Again, thank you for your help.

Sincerely,
Deer Creek LLC



Dennis Moyer
Vice President Real Estate

Galloway, Chuck

From: Galloway, Chuck
Sent: Tuesday, May 06, 2008 6:58 AM
To: 'Thom Hawkins'
Subject: RE: Seasonal dock on Lower Salmon river

Thom, thanks, will let you know if anything evolves at this end. Chuck

-----Original Message-----

From: Thom Hawkins [mailto:thawkins@idl.idaho.gov]
Sent: Monday, May 05, 2008 4:15 PM
To: Galloway, Chuck
Subject: RE: Seasonal dock on Lower Salmon river

Actually my boss didn't feel I needed to send you that, but I did. Bob Brammer is one of our Asst. Directors & is taking the opportunity to clarify roles w/IDWR. That is why my boss, Kurt Houston, wanted the short letter to allow Bob to work things out. I felt I owed you an explanation as we had previous discussion. Hopefully Bob will get everyone on the same page. I think Jay & you are right because we still have to review the installation. To me "portable" is a loophole & if the installation does not meet the plan it could be an enforcement issue. I'm thinking of your example of a metal drum full of concrete. The first jet boat that hits one of them when the doc is up will be an issue.

From: Galloway, Chuck [mailto:Chuck.Galloway@idwr.idaho.gov]
Sent: Monday, May 05, 2008 1:56 PM
To: Thom Hawkins
Subject: FW: Seasonal dock on Lower Salmon river

Thom, thanks for the earlier email today on subject. We interpreted (maybe misinterpreted) this letter from Jay Sila to suggest that IDL was supportive of IDWR having the requestor fill out a joint use application. Right now I am inclined to continue the process of joint use application for future removable docks, however I may get other guidance. Will keep you posted. Is there someone at the IDL "executive" level IDWR should be keeping in the loop? Chuck

-----Original Message-----

From: Golart, Aaron
Sent: Thursday, April 24, 2008 4:08 PM
To: Galloway, Chuck
Subject: RE: Seasonal dock on Lower Salmon river

Chuck,

Attached is a copy of the letter from IDL providing comments for the temporary dock on the Snake River we permitted under S03-20011 for Dennis Moyer (Alscott Farms, LLC). I also have included a couple pages of the application. Jay Sila Lands Resource Supervisor for IDL Southwest Region called me and requested that IDWR permits these temporary docks for accounting purposes and because there are cumulative impacts to the bank through time. After discussing this with IDL I called Dennis Moyer and asked him to submit an application for the locations of proposed docks. S03-20011 received no comments opposing and therefore was permitted. The application for the dock on Lower Salmon River has received many comments opposing, so I sent out a letter requesting agency (BLM) and public concerns are addressed.

The Lower Salmon River is managed by IDL out of the Craig Mountain Office. I have included the contact for that office supervisor. I have spoken with him regarding this issue and they will keep us in the loop once they make a decision. It was indicated to me that they may send out a letter similar to ours.

Let me know if I can provide any additional information,
Aaron

_ <<Thomas Hawkins>> __ <<S03-20011.pdf>> _____

Galloway, Chuck

From: Thom Hawkins [thawkins@idl.idaho.gov]
Sent: Monday, May 05, 2008 12:33 PM
To: Golart, Aaron; Chuck.Galloway@idwr.idaho.gov.
Subject: RE: Amended Letter & Comments Received

I mailed you a letter today per our executive staff recommendation. It doesn't say much other than the decision is outside our authority & we have an MOU w/ BLM. I thought I would share the "rest of the story" if you will. See attached.

From: Golart, Aaron [mailto:Aaron.Golart@idwr.idaho.gov]
Sent: Friday, May 02, 2008 12:02 PM
To: dmoyer@alscott.com
Cc: stephanie_a_connolly@blm.gov; duane.e.mitchell@usace.army.mil; Eric Wilson; Thom Hawkins; daniel.stewart@deq.idaho.gov; bbutler@gov.idaho.gov; jchatburn@agri.idaho.gov; Galloway, Chuck; Spackman, Gary; Westra, John; rhennekey@idfg.idaho.gov
Subject: Amended Letter & Comments Received

Mr. Moyer,

Attached is a copy of the amended letter that retracts and replaces the erroneous letter I sent to you April 16, 2008. Also attached are copies of the comments we have received regarding this project. Please let me know if you have any comments or questions.

<<Deer Creek LLC amendment.pdf>> <<Deer Creek LLC Letters.pdf>>

Regards,

Aaron Golart
Stream Channel Protection Specialist
Idaho Department of Water Resources
Resource Protection Bureau
Western Region
(208) 334-2190
aaron.golart@idwr.idaho.gov

5/7/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

AMENDED LETTER

May 1, 2008

Mr. Dennis Moyer
Deer Creek, LLC
501 Baybrook Court
Boise ID 83706

RE: Joint Application for Stream Channel Alteration Permit no. S79-20016
Removable boat dock in the Salmon River

Dear Mr. Moyer:

This letter retracts and replaces the letter I sent to you on April 16, 2008, about joint application for stream channel alteration no. S79-20016 in the name of Deer Creek, LLC, proposing placement of a removable boat dock in the Lower Salmon River.

The April 16, 2008 letter erroneously stated that Idaho Rivers United, the U.S. Bureau of Land Management (BLM) and the Idaho Department of Lands (IDL) must agree and sign a letter stating that they no longer contest the proposed removable dock before the Idaho Department of Water Resources (IDWR) will be able to consider this application.

The Idaho Department of Water Resources is vested with the authority to determine whether an application for stream channel alteration should be approved or denied. Neither the BLM nor Idaho Rivers United has authority to share or preempt IDWR's authority to consider applications for a stream channel alteration permit. Specifically, an agreement with BLM and Idaho Rivers United is not required. BLM and Idaho Rivers United submitted comments to IDWR regarding application no. S79-20016. IDWR will consider these comments together with information submitted by the applicant, input from other state agencies, and other comments from individuals or organizations.

IDL has independent authority to administer the state's ownership of the bed and banks of the Salmon River. As a result, an agreement with IDL also is not required before IDWR considers the application.

IDWR received numerous comments from concerned citizens and groups requesting that IDWR deny application no. S79-20016. I've enclosed copies of these letters and emails. If IDWR receives any further letters or emails, IDWR staff will forward them to you for your review. I've forwarded these letters and emails so you have an opportunity to consider the concerns that have been expressed.

Dennis Moyer
Application for Stream Channel Alteration no. S79-20016
May 1, 2008
Page 2

IDWR will begin considering application no. S79-20016 – along with any additional information you submit, comments from other state agencies, and public comments – 30 days from the date of this letter.

The proposed boat dock will occupy an area overlying the bed of the Salmon River. As a result, IDL will independently consider your joint application and will determine whether a separate decision from IDL is needed.

If you have any questions please do not hesitate to call me at (208) 334-2190.

Sincerely



Aaron Golart
Stream Channel Protection Specialist
Stream Channel Protection Program

Enclosures (58 (67pages))

cc w/ encl via email:

Stephanie Connolly, Bureau of Land Management
Duane Mitchell, US Army Corps of Engineers
Daniel Stewart, Idaho Department of Environmental Quality
Eric Wilson, Idaho Department of Lands
Thomas Hawkins, Idaho Department of Lands
Ray Hennekee, Idaho Department of Fish and Game
Bonnie Butler, Governor's Office
John Chatburn, Governor's Office

cc w/o encl via email: Kevin Lewis, Idaho Rivers United

Galloway, Chuck

From: Galloway, Chuck
Sent: Thursday, May 01, 2008 7:08 AM
To: Spackman, Gary
Subject: FW: Joint Application Permit S79-20016 (amended letter)
Importance: High

Gary, IDL is apparently not interested in dealing with the removable dock on Lower Salmon River. C

-----Original Message-----

From: Thom Hawkins [mailto:thawkins@idl.idaho.gov]
Sent: Wednesday, April 30, 2008 5:48 PM
To: Chuck.Galloway@idwr.idaho.gov.
Subject: FW: Joint Application Permit S79-20016 (amended letter)

In discussion w/ our executive staff, they feel we have no objection or jurisdiction because there is no permanent structure on public trust land. They suggested deleting the second paragraph. So, in simpler terms, we are passing the buck back to you. On the blanks in the letter, do you need titles?

From: Galloway, Chuck [mailto:Chuck.Galloway@idwr.idaho.gov]
Sent: Tuesday, April 29, 2008 4:12 PM
To: Thom Hawkins
Subject: FW: Joint Application Permit S79-20016 (amended letter)

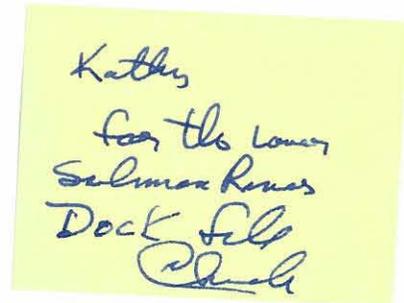
Tom, here is the draft letter we propose to send. This is very high priority so I expect my management will want to send before COB Wednesday. Get me your thoughts if you can, thanks, Chuck

-----Original Message-----

From: Galloway, Chuck
Sent: Tuesday, April 29, 2008 5:10 PM
To: Spackman, Gary
Cc: Golart, Aaron
Subject: Joint Application Permit S79-20016 (amended letter)

Gary, here is DRAFT. We still need to add addresses to persons getting copies but letter content won't change.
Chuck

<<Deer Creek LLC R1b.doc>>



Kathy
for the Lower
Salmon River
Dock file
Chuck



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 16, 2008

Dennis Moyer
Deer Creek, LLC
501 Baybrook Court
Boise ID 83706

RE: Joint Applications for Permit #S79-20016
Removable boat dock in the Salmon River

Dear Mr. Moyer,

The Idaho Department of Water Resources (IDWR) has received letters from the Bureau of Land Management, Idaho Rivers United and many concerned citizens requesting IDWR to deny your application for a removable boat dock in the Salmon River. If IDWR receives any further letters from state or federal agencies they will be forwarded to you for your review. The letters have been forwarded to you to address the attached concerns. You and the Bureau of Land Management, Department of Lands and Idaho Rivers United must come to an agreement before we will be able to consider this application.

If an agreement can not be reached IDWR will render a decision to approve or deny the application based on the information in the file. When an agreement has been reached, a signed letter from the Bureau of Land Management, the Department of Lands, and Idaho Rivers United stating that they will no longer contest the proposed removable boat dock will be required.

Your application has been placed on hold for 60 days, in order for you to address the attached concerns. If after 60 days IDWR has not received any correspondence the application will be considered closed.

If you have any questions please do not hesitate to call me at (208) 334-2190.

Sincerely

A handwritten signature in black ink, appearing to read 'Aaron Golart', written over a white background.

Aaron Golart
Stream Protection Specialist
Stream Channel Protection Program

cc: Corps of Engineers, Dept of Lands, BLM, F&G and Idaho Rivers United

AMENDED LETTER

April 29, 2008

Mr. Dennis Moyer
Deer Creek, LLC
501 Baybrook Court
Boise ID 83706

RE: Joint Application for Permit #S79-20016
Removable boat dock in the Salmon River

Dear Mr. Moyer:

This is an amended letter to replace the letter I sent out dated April 16, 2008. The Idaho Department of Water Resources (IDWR) has received numerous comments from many concerned citizens requesting that IDWR deny your application for a removable boat dock in the Lower Salmon River. Copies of these letters and emails are attached. If IDWR receives any further letters or emails they will be forwarded to you for your review. These letters and emails have been provided to you to address the concerns that have been expressed before IDWR will be able to fully consider this application.

In addition, this alteration falls within jurisdiction of the Idaho Department of Lands (IDL) with respect to structures within navigable waters and state owned lands. Ultimately, IDL will determine whether or not a special use permit is needed.

Since there are no structures the jurisdiction falls to IDWR. The permit shows portable anchors. In the joint permit there is no structure on public trust land involving the IDL.

Your application has been placed on hold for 60 days in order for you to address the attached concerns. If after 60 days the IDWR has not received the above requested correspondence, the Deer Creek, LLC application will be considered closed and no permit will be issued.

If you have any questions please do not hesitate to call me at (208) 334-2190. A copy of this letter and all enclosures is being sent via email to: Stephanie Connolly, Bureau of Land Management, Cottonwood Field Office, 1 Butte Dr., Cottonwood, ID 83522-5200; US Army Corps of Engineers, Duane Mitchell, _____; Daniel Stewart, Idaho Department of Environmental Quality, _____; Eric Wilson, Idaho Department of Lands, _____; Thomas Hawkins, Idaho Department of Lands, _____; Ray Henneke, Idaho Department of Fish and Game, _____; Bonnie Buttler, Governor's Liaison for IDL, _____; and John Chatburn, Governor's Liaison for IDWR, _____;

Sincerely

Aaron Golart
Stream Protection Specialist
Western Region

Enclosures

cc w/o encl: Kevin Lewis, Idaho Rivers United



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

FAX TRANSMITTAL COVER SHEET

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

DATE: 5/5/08

TO: Kyla Sawyer

FROM: Kathy Gale

FAX 208-628-4143

208-287-4888

DOCUMENT DESCRIPTION: Deer Creek Application
Boat Dock - Salmon River

COMMENTS: PO Box 244
Riggins ID 83549

COVER SHEET + 9 PAGES

PLEASE CONTACT ENTIRE DOCUMENT IF YOU DON'T RECEIVE THIS

Galloway, Chuck

From: Galloway, Chuck
Sent: Thursday, April 24, 2008 4:15 PM
To: Golart, Aaron
Cc: Spackman, Gary
Subject: FW: Seasonal dock on Lower Salmon river

Aaron, just got off the phone with Gary. We need to revise and reissue your April 16 letter to clear up that IRU is not included in the policy and/or decision process. I think you can achieve this by just excluding them as a player, i.e. we don't need to rub their nose in it. Will need to run the revised letter by Gary before you send. The revised letter will need to include a couple of liaison officers from the Governor's office and I or Gary will get their names for you. One issue apparently came up during the meeting regarding whether the application had been sent to IDL. I assume this may revolve around whether it was sent to an area office of IDL vs. the main IDL. Regardless will want to make sure we are cc'ing relevant stakeholders.

Gary will provide a summary of his meeting soon. Chuck

-----Original Message-----

From: Golart, Aaron
Sent: Thursday, April 24, 2008 4:08 PM
To: Galloway, Chuck
Subject: RE: Seasonal dock on Lower Salmon river

Chuck,

Attached is a copy of the letter from IDL providing comments for the temporary dock on the Snake River we permitted under S03-20011 for Dennis Moyer (Alscott Farms, LLC). I also have included a couple pages of the application. Jay Sila Lands Resource Supervisor for IDL Southwest Region called me and requested that IDWR permits these temporary docks for accounting purposes and because there are cumulative impacts to the bank through time. After discussing this with IDL I called Dennis Moyer and asked him to submit an application for the locations of proposed docks. S03-20011 received no comments opposing and therefore was permitted. The application for the dock on Lower Salmon River has received many comments opposing, so I sent out a letter requesting agency (BLM) and public concerns are addressed.

The Lower Salmon River is managed by IDL out of the Craig Mountain Office. I have included the contact for that office supervisor. I have spoken with him regarding this issue and they will keep us in the loop once they make a decision. It was indicated to me that they may send out a letter similar to ours.

Let me know if I can provide any additional information,
Aaron



Thomas Hawkins



S03-20011.pdf

From: Galloway, Chuck
Sent: Thursday, April 24, 2008 10:58 AM
To: Spackman, Gary
Cc: Golart, Aaron; Blau, Terry
Subject: Seasonal dock on Lower Salmon river

Gary, I outlined the scope of this project to Terry. Because the dock structure is below MHW and part of the dock's anchoring system is below MHW, a SC alteration permit is necessary, i.e. similar situations in other regions would have resulted in same IDWR action that Western took. IDWR would evaluate comments that came in with respect to concerns, however if ESA issues did not restrict the dock, we would probably issue a permit with the proviso that all components that are below MHW be removed by some date. Terry concurred that IDWR should consider all comments, including those of IRU but it is not appropriate for them to hold any jurisdictional authority on IDWR to issue or not issue permit. Chuck

Galloway, Chuck

From: Galloway, Chuck
Sent: Thursday, April 24, 2008 3:59 PM
To: Spackman, Gary
Cc: Golart, Aaron
Subject: Seasonal boat dock on Lower Salmon River

Gary, some additional information, albeit too late for your meeting.

Earlier this year, Dennis Moyer advised that he wanted to install two very similar docks at two locations on the Snake River. IDL learned of the plan and expressed concern that there needed to be more control and requested (verbally) that IDWR require that SCA application be submitted and that the public given an opportunity to comment. This was done and apparently little to no interest was received on the two Snake R docks. When Dennis Moyer approached Aaron about the Lower Salmon R dock, Aaron logically approached it in the same fashion, i.e. you need to fill out application which Moyer did. The problem seems to stem from the considerable public interest in a dock within the BLM managed reach of the Lower Salmon River which by being there seems to have successfully discouraged public use of the beach area that had historically been a high use beach. Aaron is getting me copies of IDL correspondence WRT the Snake R docks and I will provide when I get. Chuck

Galloway, Chuck

From: Spackman, Gary
Sent: Friday, April 25, 2008 11:43 AM
To: Galloway, Chuck; Golart, Aaron
Subject: S79-20016, Deer Creek, LLC

Gents,

Yesterday, I met with Mark Warbis, John Chatburn, and Bonnie Butler of the Governor's office about the above stream channel alteration application. Bonnie Butler is the governor's liaison for the Department of Lands. John Chatburn is the liaison for IDWR. The governor's staff was very respectful of the stream channel alteration processes. Mark Warbis thought Deer Creek needed to file the application for consideration. The governor's office primarily questioned the verbiage in Aaron's April 16, 2008 letter to Dennis Moyer of Deer Creek, LLC appearing to grant a veto power to Idaho Rivers United and to the Bureau of Land Management regarding IDWR consideration of an application for stream channel alteration. I told the governor's staff that BLM and Rivers United are entitled to submit comments but do not have any authority to preempt IDWR consideration of a SCA application. In addition, Lands has independent jurisdiction over the state owned bed and banks. As I read Section 42-3803, Idaho Code, IDWR approval process does not depend on the execution of an agreement between Lands and the applicant before IDWR can address the SCA application. We can either approve our SCA permit and state that Lands will issue a separate approval or include conditions from Lands as part of our approval.

Aaron, would you please rewrite your April 16, 2008 letter as requested by Chuck? Prior to mailing the amended letter, please send me a copy of the draft for review.

Bonnie Butler stated that her contacts at Lands did not have a copy of the letter. I notice that Kathy Gale sent a copy of the SCA application to the U.S. Army Corps of Engineers with a transmittal letter dated March 26, 2008. The letter was carbon copied to Fish & Game, Department of Environmental Quality, Lewis County, and Lands. I cannot determine from the "Cc" notation at the bottom of the letter whether just the letter was sent or whether a copy of the SCA application was also enclosed.

Section 42-3804, Idaho Code states the following:

". . . It shall be the duty of the director to examine same and to furnish copies of the application and plans to, and consult with, other state agencies having an interest in the stream channel to determine the likely effect of the proposed stream channel alteration upon the fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, and water quality values of the stream. The director shall furnish a copy of such application and all accompanying materials to the department of lands. Within twenty (20) days of the receipt of copies of such application and plans from the director, such other state agencies shall notify the director whether the proposed stream channel alteration will have an unreasonably detrimental effect upon these stream values and shall include with such notification recommendations of alternate plans, if any, determined by such agency to be reasonable to accomplish the purpose of the proposed stream channel alteration without adversely affecting such stream values."

I believe we need to more clearly document our compliance with the statutory requirements. Evidence of compliance should include an individual letter to each of the state agencies that might have an interest. The letter should also state that a copy of the application is enclosed, set a deadline, and probably call attention to the fact that the statute requires (I think) a response. We also should have sent a copy of the application to the Department of Parks and Recreation. Of particular importance, I cannot verify for the governor's office whether Lands ever received a copy of the application, although I assume they did.

Please also draft a letter transmitting a copy of the application to Eric Wilson at Lands and verify that the other state agencies received a copy of the application and earlier transmittal letter or draft letters to sent to each agency. We will probably need to reset the comment period.

Copies of these letters need to be sent to Bonnie Butler and John Chatburn at the governor's office. In addition, the letter from BLM asserts some delegation of authority by Lands to BLM in this stretch of the river, and Bonnie Butler would like a copy of the BLM comment letter.

Thank you for your hard work in handling some of these delicate circumstances. We probably need to be prompt in completing this assignment. Aaron, can you have something to me by the middle of next week? Thanks. Please contact me if you have questions.

Gary Spackman

Galloway, Chuck

From: Galloway, Chuck
Sent: Thursday, April 24, 2008 10:58 AM
To: Spackman, Gary
Cc: Golart, Aaron; Blau, Terry
Subject: Seasonal dock on Lower Salmon river

Gary, I outlined the scope of this project to Terry. Because the dock structure is below MHW and part of the dock's anchoring system is below MHW, a SC alteration permit is necessary, i.e. similar situations in other regions would have resulted in same IDWR action that Western took. IDWR would evaluate comments that came in with respect to concerns, however if ESA issues did not restrict the dock, we would probably issue a permit with the proviso that all components that are below MHW be removed by some date. Terry concurred that IDWR should consider all comments, including those of IRU but it is not appropriate for them to hold any jurisdictional authority on IDWR to issue or not issue permit. Chuck

Gale, Kathy

From: Indian Creek [info@indiancreekguestranch.com]
Sent: Wednesday, April 30, 2008 8:34 AM
To: Gale, Kathy
Cc: 'Gary Lane'
Subject: Joe Scott's Dock Proposal

Dear Ms. Gale,

My name is Jerry Myers, an Idaho native and river enthusiast from North Fork, Idaho. I am alarmed and saddened that the IDWR has to spent time and money reviewing a permit application for a private dock by Mr. Scott. I would urge your department to take a strong position AGAINST any project that allows private development of this sort on a public river in Idaho. This is especially true of a river like the Lower Salmon revered for its undeveloped beauty and uniqueness.

Thank you for taking my comments.

Sincerely,
Jerry Myers

4/30/2008

WESTERN



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Cottonwood Field Office
1 Butte Drive
Cottonwood, ID 83522-5200
<http://www.id.blm.gov/offices/cottonwood>

In Reply Refer to:
6510 (ID420)

APR 11 2008

RECEIVED

APR 14 2008

DEPARTMENT OF
WATER RESOURCES

Aaron Golart, Stream Channel Specialist
State of Idaho Department of Water Resources
Stream Protection Program
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

APR 17 2008

DEPARTMENT OF
WATER RESOURCES

RECEIVED

APR 15 2008

WATER RESOURCES
WESTERN REGION

RE: Joint Application for Permit #S79-20016, Deer Creek LLC – Salmon River Boat Dock

Dear Mr. Golart:

This letter is in regards to a request for comments on the referenced Joint Application for Permit to construct/install a boat dock in the Salmon River. Primary concerns identified are for potential effects to water quality and visual/aesthetic quality of the Lower Salmon River. The Lower Salmon River is known regionally and nationally for its fisheries values (e.g., ESA-listed fish), ecological resources, scenic quality, and recreational values. We have reviewed the application and the following comments are submitted for your consideration.

The beaches along the Salmon River are owned by Idaho Department of Lands and are available for public use. The Bureau of Land Management (BLM) and Idaho Department of Lands entered into a Cooperative Management Agreement on February 12, 1990, which allows the BLM to assume the lead responsibility for management of the Lower Salmon River. This includes maintaining all the undeveloped campsites along the river which includes the beaches.

Review of the application, drawings, and digital image was conducted, and such appears to indicate that no new river access or road construction would occur; and if motorized access to the boat dock occurs, such would be by using an existing road and driving across a beach.

The BLM Lower Salmon River Recreation Area Management Plan adopted on May 6, 1983, discusses off-road vehicles stating that the designation of the public lands in the management

area is limited, with vehicle traffic restricted to existing roads and trails. Beaches fall under non-motorized designation and thus are closed to off-road vehicles.

BLM lands contiguous to the Salmon River and generally within one quarter mile of the Lower Salmon River from Hammer Creek to the confluence with Snake River are designated as part of the Lower Salmon River Area of Critical Environmental Concern (Federal Register, Vol. 54, No. 12, January 19, 1989). The purpose for this special management status was to maintain and protect the high value resources of regional and national significance, which includes a variety of resource values, and specifically that the area has national significance for its scenic quality.

The 112-mile segment of the Lower Salmon River, Long Tom Bar to the confluence of the Snake River, was designated a study river in 1968. The river was found eligible and suitable, and was recommended to Congress for inclusion in the National Wild & Scenic River System as Recreational (59 miles Long Tom Bar to Hammer Creek) and Scenic (53 miles Hammer Creek to the Snake River Confluence). Congress has deliberated the issue of designation numerous times but has yet to act.

BLM guidance requires that interim management be developed and followed to protect the free-flowing nature, outstandingly remarkable values, and recommended classification of suitable segments until congressional action regarding designation is taken.

The Lower Salmon River Recreation Area Management Plan adopted on May 6, 1983, discusses Visual Resource Management (VRM) and says to allow no more visual intrusions on public lands within the canyon. The BLM VRM category associated with the river corridor located in the area of the proposed boat dock is a class II category meaning the object of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. A boat dock would attract attention to casual river users. Of the 112 miles of river the BLM manages on the Lower Salmon River, there are no other boat docks.

As previously stated, the Lower Salmon River has a limited number of beaches along the river where people camp while floating/jet boating on the river. Having a boat dock on a beach gives the public the perception that the beach is not public and thus causes people to float by and look for another place to camp. The general public would gain nothing from allowing this dock to be installed. Several landowners along the Salmon River own jet boats and use them to access property and cabins along the river without boat docks. All of the commercial jet boat operators along the Lower Salmon River use the natural beaches to park their boats to camp and recreate.

The BLM has spent \$10,133,000 on conservation easements and purchases on 7,617 acres of private lands along the Lower Salmon River over the last 20 years to protect the outstanding remarkable values' and scenic nature of the river and to protect the corridor from development.

BLM recommends the Joint Application for Permit #S79-20016, Deer Creek LLC – Salmon River Boat Dock be denied.

Thank you for providing this office the opportunity to comment on the application. If you have questions regarding submitted comments, please contact me or Joe O'Neill at (208) 962-3245.

Sincerely,



Stephanie Connolly
Field Manager

cc:
Corps of Engineers, Duane Mitchell
Idaho Department of Lands



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 16, 2008

Dennis Moyer
Deer Creek, LLC
501 Baybrook Court
Boise ID 83706

RE: Joint Applications for Permit #S79-20016
Removable boat dock in the Salmon River

Dear Mr. Moyer,

The Idaho Department of Water Resources (IDWR) has received letters from the Bureau of Land Management, Idaho Rivers United and many concerned citizens requesting IDWR to deny your application for a removable boat dock in the Salmon River. If IDWR receives any further letters from state or federal agencies they will be forwarded to you for your review. The letters have been forwarded to you to address the attached concerns. You and the Bureau of Land Management, Department of Lands and Idaho Rivers United must come to an agreement before we will be able to consider this application.

If an agreement can not be reached IDWR will render a decision to approve or deny the application based on the information in the file. When an agreement has been reached, a signed letter from the Bureau of Land Management, the Department of Lands, and Idaho Rivers United stating that they will no longer contest the proposed removable boat dock will be required.

Your application has been placed on hold for 60 days, in order for you to address the attached concerns. If after 60 days IDWR has not received any correspondence the application will be considered closed.

If you have any questions please do not hesitate to call me at (208) 334-2190.

Sincerely

Aaron Golart
Stream Protection Specialist
Stream Channel Protection Program

cc: Corps of Engineers, Dept of Lands, BLM, F&G and Idaho Rivers United

OARS · DORIES INC.

1127 Airway Avenue, Lewiston, Idaho 83501
phone: (208)743-4201 fax: (208)743-7383 e-mail: curt@oars.com

RECEIVED

APR 16 2008

DEPARTMENT OF
WATER RESOURCES

April 12, 2008

Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would have a huge impact on a public beach that is used by our business and many other users on the Salmon River.

We have operated for 32 years on this section of river with clients coming from all over the country and world to enjoy the natural wild free flowing river experience. The State of Idaho and the Federal Bureau of Land Management have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely affected by this dock. Please do not approve this application.

I hope you will recognize that this is nothing more than a special interest request for unjustifiable development at public expense. Boating on this section of river has a long history with many landowners using the river for access without any dock development.

Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than one private landowner.

Best Regards,



Curtis Chang, Idaho Manager

Gale, Kathy

From: joe kimbro [bigjoekimbro@yahoo.com]
Sent: Tuesday, April 15, 2008 5:35 PM
To: Gale, Kathy

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.
sincerely
Joe Kimbro
7625 sw wilson Ave.
beaverton or 97008

between 0000-00-00 and 9999-99-99 <hr size=1>Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

4/16/2008

Gale, Kathy

From: Nick Grimes [nicholassgrimes@gmail.com]
Sent: Tuesday, April 15, 2008 12:05 PM
To: Gale, Kathy
Subject: Joe Scott dock application comment from Nick Grimes

In response to a dock on the lower Salmon at Joe Scotts place. It is my belief that it would be a serious mistake in management practices for the Salmon river system. Plus set a diminishing standard for management and increasing development in the future. Many people within the BLM and the public have worked hard to maintain and protect the natural qualities of the Salmon river. A private dock would not only be a significant eyesore but also limit camping by the public. Plus we also know that a dock is not needed for boat parking, simply a beach. The intrinsic value of our (Public) waterways should be a high management priority. Few rivers exist in the lower 48 states as beautiful and wild as the Salmon.

Thank you for listening
Nick Grimes

4/15/2008

Gale, Kathy

From: kate wollney [katewollney@hotmail.com]
Sent: Tuesday, April 15, 2008 11:30 AM
To: Gale, Kathy
Subject: new dock on lower salmon

April 15, 2008
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application
for Permit #S79-20016
I am writing to express my
opposition to issuing a permit for a stream channel alteration to install a dock on the
Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along
the Salmon River.

Idaho Fish and Game and the
Bureau of Land Management and have spent millions of dollars acquiring land and
conservation easements in this area to preserve public access and protect the natural
environment of the Lower Salmon River by limiting development in the river corridor. The
thousands of river users who boat this section of river every year because of the natural,
scenic values of the river and its canyons would be directly and adversely impacted by
this dock.
Permitting this dock would
essentially result in total loss of public use of the large beach to which it would be
grounded. The State of Idaho owns the beach, and should continue to manage it for public
use, not the exclusive use of a private landowner. There is absolutely no public value to
be gained from this proposal to encumber public lands, only loss.
Even though the beach would not be officially closed, public access to it would be
reduced, since a structure such as this would give the appearance that the beach is
private and off limits to the public.

The dock would be (is) a visual
intrusion on an otherwise natural waterway. While the private development that it would
serve is also an intrusion, people understand and respect private property rights.
However, encumbering public property with such development is unacceptable, especially
given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application.
There is absolutely no justifiable reason to permit the dock.
Boats have been safely secured to the beaches and natural shoreline to access adjacent
lands for as long as boats have used the Salmon River.
It is completely unnecessary to install an intrusion such as this to "secure" boats.
Please deny this application and continue your management of the Salmon River for the
benefit of the general public, rather than a private landowner.
Thank you for considering these
comments.

Sincerely, Kate Wollney 1177 W. 13th Eugene,

OR 97402

More immediate than e-mail? Get instant access with Windows Live Messenger.
[http://www.windowslive.com/messenger/overview.html?
ocid=TXT_TAGLM_WL_Refresh_instantaccess_042008](http://www.windowslive.com/messenger/overview.html?ocid=TXT_TAGLM_WL_Refresh_instantaccess_042008)

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,

Ari D. Kotler
P.O. Box 1101
Driggs, Id. 83422

RP

April 11th, 2008

Idaho Dept. of WATER RESOURCES
322 EAST FRONT ST.
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED

APR 15 2008

DEPARTMENT OF
WATER RESOURCES

RE: Joint Application for Permit # 579-20016

I AM writing to voice my opposition to the issuing of the ABOVE permit.

I HAVE BEEN A LICENSED RIVER GUIDE ON THE SALMON RIVER SINCE 1978. I HAVE WATCHED THE EFFECTS OF IDAHO FISH AND GAME ALONG WITH THE BUREAU OF LAND MANAGEMENT IN THEIR EFFORTS TO PRESERVE PUBLIC ACCESS AND PROTECT THE NATURAL ENVIRONMENT BY LIMITING DEVELOPMENT IN THE RIVER CORRIDOR OF THE LOWER SALMON RIVER.

IF YOU LOOK CLOSELY AND STUDY THE HISTORY YOU WILL FIND THAT THERE IS NO JUSTIFIABLE REASON FOR THE DUCK.

THANK YOU FOR TAKING THE TIME TO READ THIS AND CONSIDER THESE COMMENTS IN YOUR DECISION PROCESS.

Sincerely,
Bill Bruckler

Bill Bruckler
P.O. Box 187
MESA, CO. 81643

Gale, Kathy

From: Sam Mace [millicoma@mindspring.com]
Sent: Monday, April 14, 2008 6:15 PM
To: Gale, Kathy
Subject: Joint Application Permit #S79-20016

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720

RE: Joint Application for Permit #S79-20016

Dear Idaho Dept. of Water Resources:

Please deny the application for a permit to build and/or place a boat dock on Idaho state lands on the lower Salmon River near Deer Creek.

I, like many people from Idaho, the Northwest, and nationally, have high regard for the lower Salmon River and want to see it kept a little developed as possible. I'm lucky to have floated the river several times. It is a river with incredible geology, wildlife, scenery and whitewater, and is enjoyed many every year.

It is hard enough to keep such a precious resource protected from degradation. It would be very unfortunate to further develop a river for the benefit of one person and/or family. Please do not allow a private dock to be built on this site. There is enough development as it is on the lower Salmon. Don't allow one person to take away from the experience of thousands of other users.

Thanks you for your time and consideration.

Regards,

Sam Mace
P.O. 67
Spokane, WA 99210

Gale, Kathy

From: Michael Garrity [mdgarrity@gmail.com]
Sent: Monday, April 14, 2008 6:34 PM
To: Gale, Kathy
Subject: Joint Application for Permit #S79-20016

Dear Idaho Department of Water Resources:

I am writing to urge you to reject the application for a permit to build and/or place a boat dock on the lower Salmon River at the beach near Deer Creek, on property owned by the State of Idaho.

I have floated the lower Salmon multiple times, and enjoy the wild character of it. A dock is simply inappropriate to the nature of the scenic river canyon, would set a bad precedent, and make the float down the river less enjoyable and less of a recreation magnet, which could harm surrounding communities that benefit from providing services to boaters heading to or from a river trip.

Again, I urge you to reject the permit application. Thank you for your consideration.

Sincerely,
Michael Garrity

608 N Sheridan
Tacoma, WA 98403

4/15/2008

Gale, Kathy

From: Darin Goble [darin.goble@welocalize.com]
Sent: Monday, April 14, 2008 5:26 PM
To: Gale, Kathy
Subject: Joe Scott Dock Permit

Hello Kathy,

I hope that the letter below makes it to the appropriate folks in time for consideration:

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Application for Permit #S79-20016

I write you to express my very strong opposition to issuing a permit to install a dock on the Salmon River near Deer Creek. This proposed dock would encumber a significant public beach along the Salmon River and it would be an unneeded and ugly intrusion on an otherwise beautiful and natural canyon. I and have often camped on the beach at this site and it would be a sad day indeed if a man made dock were to be allowed to be built there.

The thousands of river users, private and guided folks who boat this section of river every year due to the natural, scenic beauty of the river and its canyons would be directly and negatively impacted by this proposed dock.

As I understand it, the State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from the proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public, not to mention a man made intrusion to an otherwise natural environment.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,

Darin Goble
4550 NE 30th Ave.
Portland, Or. 97211

4/15/2008

Please, please, exercise extreme caution in reaching your decision on Joe Scott's application for a permanent boat dock on the Lower Salmon River near Deer Creek. For the past 40 years I have been floating this section of river, (commercially, as an outfitter and guide since 1975) and have often camped on the beach at this very site.

It is bad enough that the palatial monster lodge built on the bluff above the beach can be seen for miles from both the up and downstream direction. But now, Joe wants his own private dock and is willing to use his extreme wealth and influence to buy whatever money can buy to make that possible.

Last fall when I first discovered his giant floating dock, it angered me enough, that I was just about ready to start throwing rocks at the windows in his "Conspicuous Consumption Palace". I still see red when I think about his ugly intrusions into an otherwise beautiful landscape canyon.

This is nothing more than elitism at its zenith, at the expense of the public good. Over the years I have guided hundreds of people down the river, as I continue to do now. These people do not sign up for a river trip to see more examples of man's design. They wish to get away from the mechanized landscape to a more natural environment. These kinds of places are ever shrinking in the world today, not expanding. It is another prime example of the "nature deficit disorder" so characteristic of our society and culture. Man's technology can never replace what nature alone provides.

To allow Joe his dock would be a gross injustice to the general public and other businesses that depend on the areas natural wonder for their professions. Over the years, the BLM and IDF&G have gone to great lengths and spent vast amounts of money to secure easements and acquire lands to conserve the natural integrity of this scenic canyon, wherever possible. It makes no sense to undermine these efforts and investments. It would be like removing the foundation to a house and still expecting the roof to remain stable.

Favoring special use permissions of this magnitude represent a grand example of promoting "playgrounds for the rich" and demonstrate a political corruption associated with those who think they can use their influence to buy everything. Again, please, please, don't give in to the gross injustice this would surely be. I urge you not to grant this special privileges application. As a **public agency**, the Water Resources Dept should apply management direction towards the "**public good**".

Thank you for considering my comments.

Gary Lane
Wapiti River Guides (outfitter on the Lower Salmon)
Box 1125
Riggins, ID 83549

Gale, Kathy

From: Daniel Hawley [sweepboater@cox.net]
Sent: Monday, April 14, 2008 4:58 PM
To: Gale, Kathy
Subject: Proposed Dock at Deer Creek

I oppose the issuance of a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. I have boated the Salmon River for nearly 40 years and the proposal to build a dock is outrageous. There is no need for a dock, boats have been safely beached since they were first used on the river. The alteration of the river channel and the use of a public beach for this private dock should not be allowed under any circumstance.

Millions of dollars have been spent to protect and preserve the Lower Salmon River. Over the years the Bureau of Land Management and Idaho Fish and Game have acted to limit development in the river corridor. Do not allow this dock to be built.

Daniel Hawley
Box 49
Ketchum, ID 83340

208-726-4962
sweepboater@cox.net

4/15/2008

Gale, Kathy

From: John Barker [jbarker@clearwire.net]
Sent: Monday, April 14, 2008 3:25 PM
To: Gale, Kathy
Subject: permit #S79-20016
Attachments: Joe Scott Dock.doc

April 14, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

I wish to state my strong opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

The thousands of boaters this section of river every year because the uncluttered nature of the river and its canyons. Permitting this dock could result in the loss of public use of the large beach where the dock is located. The State of Idaho owns the beach, and should continue to manage it for public use, not a private landowner. There is absolutely no value to be gained from this proposal to encumber public lands, only loss. Even though the large beach adjacent could not be closed, boaters would be reluctant to use it. And access to the beach would be reduced. There are many days when every beach on this section of the river is in use. Any reduction in number of beaches, whether real or perceived, will have a large impact on the Idaho boating public.

To allow any stream channel alteration or flow modifications in area of salmon habitat without a full consultation with National Marine Fisheries would seem to be a violation of the endangered species act. This location is a prime sturgeon fishing area and has been under study by the Nez Perce Tribe for at least 5 years. I would ask that the Nez Perce tribe also be consulted on the adverse impacts of this action.

I suggest you to reject this application. There is reason no to permit the dock. Boaters safely secured rafts, kayaks, jet boats and other craft to the beaches and natural shoreline to access adjacent lands for the 30 years I have boated the Salmon River. It is unnecessary to install docks "secure" boats. Please continue your management of the Salmon River for the benefit of users, rather than a private landowner.

Thank you for allowing me to comment.

Sincerely,

John A.K. Barker
2124 Grelle Ave
Lewiston, Idaho 83501
(208) 743-7459

4/14/2008

Gale, Kathy

From: ROBERT MASONIS [rmasonis@msn.com]
Sent: Monday, April 14, 2008 3:06 PM
To: Gale, Kathy
Subject: Opposition to Joint Application for Permit #S79-20016

To whom it may concern:

As a rafter who enjoys trips on the lower Salmon river, I am writing in opposition to the proposed boat dock at the beach near Deer Creek, on property owned by the State of Idaho, and urge you to reject the application for a permit. Boats can easily and safely be moored on the beach with little or no inconvenience, and a dock would be clearly inconsistent with the wild character and incredible scenic beauty of this magnificent river.

Thank you for your consideration.

Sincerely,
Rob Masonis

4/14/2008

Gale, Kathy

From: lom [lom@psetrucking.com]
Sent: Monday, April 14, 2008 2:39 PM
To: Gale, Kathy
Subject: Deer Creek dock proposal on Salmon River

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River. A private dock has no business on the Salmon River.

Lom Hutchins
VP
Produce Supply Express, Inc.

4/14/2008

Gale, Kathy

From: Ron Wise [wiser@clearwire.net]
Sent: Monday, April 14, 2008 2:26 PM
To: Gale, Kathy
Subject: application for dock

We are writing about Joe Scott's application to build a permanent dock near Deer Creek on the lower Salmon River. This is Permit #SD79-20016.

My wife and I have rafted the lower Salmon River for over 30 years and have made about 40 trips. We treasure this stretch of river because of the beauty, exciting rapids, wildlife, and wonderful beaches. For years we took our children on this river and they enjoyed the trip and learned to row our raft.

BLM has worked hard for many years protecting this river and educating the public to enjoy the river without leaving traces of their visits.

I made my first trip in 1974 as a boatman and worked for several years. At that time few people knew about this part of the Salmon. Since then it has grown in popularity and now there are thousands of rafters, both guided trips and private trips.

The Idaho Dept. of Water Resources should reject this application because permanent boat docks have no place on this very scenic and popular river.

Joe Scott and his millions did build his mansion above the river, which was his right as a land owner.

Building a boat dock on a public river is wrong and must be denied.

We believe that this is a country based on the rule of law, not people who have lots of money.

Thanks for considering our reasons for rejecting this application.

Sincerely,

Ron and Mimsi Wise

3321 16th St., Lewiston, Id. 83501

208-746-9304

4/14/2008

Gale, Kathy

From: tobiason mick [aquabox_@hotmail.com]
Sent: Monday, April 14, 2008 2:11 PM
To: Gale, Kathy
Subject: Dock

Dear Kathy Gale,
thank you for taking the time to read this letter. Although i didn't write it, I whole heartedly agree with all the valid points made. As a seven year river guide, I know that the installation of this dock would de-value this wild and scenic river corridor.

Let me express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely, Toby McMullen, Eugnen OR.

Gale, Kathy

From: Amy Kober [amykober@gmail.com]
Sent: Monday, April 14, 2008 1:27 PM
To: Gale, Kathy
Subject: Please oppose new dock construction on lower Salmon

I strongly oppose the construction of a new dock on the lower Salmon River by Joe Scott. I have floated the Salmon many times, and a dock like that would hurt the unique character of the river, and the experiences of those who seek a wild river experience.

Please protect the lower Salmon. Don't allow this dock to be built.

Thank you,

Amy Kober
6037 44th Ave SW
Seattle, WA 98136

Gale, Kathy

From: Anne McKee [Anne@McKeeRealEstate.info]
Sent: Monday, April 14, 2008 10:03 AM
To: Gale, Kathy
Subject: Joint Application for Permit #S79-20016

Hi Kathy

I am writing to protest the issuing of a permit to install a private dock on the Salmon River near Deer Creek. I urge you to continue to limit development in the river corridor, and allow some parts of Idaho to remain open to all, unencumbered by the private use of public property.

Protect Idaho, keep it wild.

Best Regards,

Anne McKee, Broker
McKee Real Estate
Anne@McKeeRealEstate.info
208/634-9213

Service - Honor – Integrity



No virus found in this outgoing message.

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Version: 7.5.519 / Virus Database: 269.22.12/1373 - Release Date: 4/11/2008 9:17 AM

4/14/2008

Gale, Kathy

From: Jared [jared@wyellowstone.com]
Sent: Monday, April 14, 2008 11:06 AM
To: Gale, Kathy
Subject: private dock on the salmon river

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Jared Forsythe
406-822-8282

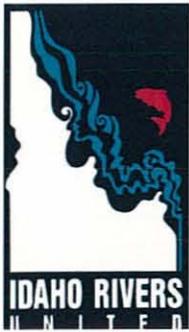
4/14/2008

Gale, Kathy

From: Andy Munter [andymunter@cox.net]
Sent: Monday, April 14, 2008 7:26 AM
To: Gale, Kathy
Subject: deer creek dock

To whom it may concern- Please consider these official comments on Joe Scott's proposal to put a dock by Deer Creek on the Lower Salmon. Having floated that section as a private boater many times I think it would be very shortsighted and a bad precedent to allow a dock in that area. The river's wildness is threatened in many ways. To add a private dock would be a travesty. For years everybody has been parking their boats on the beach. That can continue. Your responsibility must be to protect the character of the river - not to add to the convenience of a landowner.

Andy Munter
box 4 Ketchum Id 83340



PO Box 633
Boise, ID 83701
800-574-7481
Fax 208-343-9376
www.idahorivers.org

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April 14, 2008

Aaron Golart
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

Dear Aaron,

I am writing to express the opposition of Idaho Rivers United to issuing a permit for a stream channel alteration permit to install a dock on the Salmon River near Deer Creek.

As you are aware, Idaho holds title to its navigable waters and the lands beneath navigable waters up to the ordinary high water mark. These waters and lands were transferred to Idaho by the federal government at statehood and are to be held and managed under the Public Trust Doctrine. These lands are not Idaho Trust Lands that are to be managed for the greatest financial gain for the state of Idaho. Instead, these Public Trust lands are to be managed into perpetuity for the greatest public interest.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in loss of public use of the large beach to which it would be grounded. Even though the beach would not be officially closed, public access to it would be impacted, since a structure such as this would give the appearance that the beach is private and off limits to the public and possibly result in conflicts between the landowner and river users.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public.

Thank you for considering these comments.

Sincerely,

Kevin Lewis, Conservation Director
Idaho Rivers United
P.O. Box 633
Boise, ID 83701
(208) 343-7481

April

14, 2008

Ms. Kathy Gale
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720

Dear Ms. Gale:

It is my understanding that IDWR is considering an application from Mr. Joe Scott to install a dock at Deer Creek on the Salmon River. I would like to express my strong opposition to this proposal and request that you reject this application.

I have boated the Salmon River for 30 years and appreciate the extent to which the US Bureau of Land Management has tried to retain the naturalness of the river. They have acquired many parcels to preserve the integrity of the river, and they have a land use plan that prohibits on BLM-administered lands the very same use proposed by Mr. Scott. Mr. Scott's home overlooks a large beach used by many boaters in the summer; a dock at this site would provide the appearance of private ownership and would certainly eliminate public use of this area. In addition, approval of this application would encourage a huge number of similar applications along the entire Salmon River.

Your department's oversight of our Idaho waterways is a public trust. Allowing this proposed use would be simply bending to individual interests at the expense of the public interest. It would promote development in an area where your sister management agency is trying to prevent it, and would promote the appearance of private property where there is none. Again, I encourage you to reject this application.

Sincerely,

Scott Forssell
1275 E. Burnham Ave.
Hayden, ID 83835

April 9, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RECEIVED

APR 14 2008

DEPARTMENT OF
WATER RESOURCES

**RE: Comments on Joint Application for Permit #S79-20016
Dock Application Near Deer Creek, Lower Salmon River, Idaho**

Please find below, my comments regarding an application for a private dock on the Lower Salmon River in the Deer Creek area. I want to go on record as against this proposed dock installation. The presence of the dock in this stretch and most stretches of the Lower Salmon River will give the public the illusion that private property rights extend along the large public beach here and all along the "Lower".

It seems that the time proven standard practice of tying up to the beach works well for the thousands of users each year and through the past hundred years, I do not see where an adjacent private property owner is placed in any hardship by not following this practice.

The public lands are always under attack especially where private property in holding owners can force a wedge down to into a priceless public property gem. I believe this is an unnecessary infringement on the public.

It is my understanding that the people of the State of Idaho through our State agencies have spent many millions of dollars consolidating, acquiring property, and easements to maintain and preserve public access to the Lower River and provide better quality wildlife habitat. Issuance of a dock permit here seems to be contrary to many of the best efforts, in my opinion, of the State to help safeguard this resource

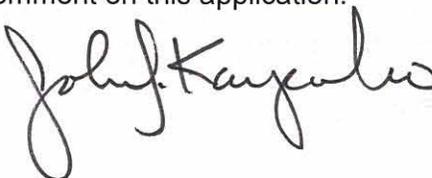
It seems with the recent seasons of intense fires, the Lower Salmon has seen an increase in use, with this increased use removal and buy outs of private property would be more acceptable than installation of a very intrusive feature for use by a very narrow segment of the population, this would be a precedent setting intrusion.

I implore you to deny this application. I can find no just reason to permit a dock here.

I personally believe the public would shy away from using this area, even more than they do now, and would ultimately result in privatizing this large section of public beach. There is no value to the general public, only another point of galvanizing public opinion against private property owners. A friend reported to me that last summer they were shoed away when they beached their raft on this section by the "owners" who indicated to them they owned this beach. While I do not advocate hostility and most river people shy away from conflict, this really indicates to me that the presence of a dock would instill a feeling of ownership of the beach by the dock permittees and would preclude use of the beach by the real owners, the public.

I appreciate the opportunity to comment on this application.
Sincerely,

John J. Karpenko
11457 N. Summit Loop
Hauser, Idaho ~~8354~~ 83854
208-659-5640



WA
805 N Avenue
La Grande, Oregon 97850

RECEIVED
APR 14 2008
DEPARTMENT OF
WATER RESOURCES

April 9, 2008

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

To Whom It May Concern:

Subject: Joint Application for Permit #S79-20016

Please add my voice to the chorus objecting to the application to permit a dock to be constructed on the Lower Salmon River near Deer Creek. Not only is placement of a permanent dock on public land for use by a private landholder obscene, the necessity of a dock at that site is ludicrous.

Two years ago I implored then BLM river manager LuVerne Grussing to establish access rules for the motorized constituency. This permit application serves to underscore my concerns voiced at that time.

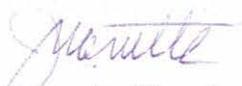
The Lower Salmon River brings visitors from across the country to the Lewiston/Grangeville/Riggins communities, where they spend considerable tourist dollars. Historically, that population comprised clients of commercial float outfitting businesses for recreational purposes as well as for fall hunting and fishing and the private float boater community. Facilitating increased jetboat traffic on this remaining open stretch of river will serve to make floating the Lower Salmon River less appealing to the oar-powered users, no doubt negatively impacting the tourist dollar income for those communities.

The Lower Salmon River is a valuable and fragile resource deserving the highest level of protection. At a time when our population should be looking at ways to conserve valuable petroleum resources, it's outrageous to facilitate turning one of the remaining float access rivers into a playground for elitist fuel squanderers.

It's time our society said "Enough!" to the moneyed interests wrecking our public lands for their self-serving interests. State and Federal agencies have invested substantial sums to make the Lower Salmon River corridor accessible to the public at large. Say "NO!" to this effort to compromise this Idaho jewel.

I strongly urge your agency to reject Permit #S79-20016. Your consideration of my request is appreciated.

Sincerely,


Juanette Cremin

Gale, Kathy

From: Amy Leppo [amyleppo@hotmail.com]
Sent: Sunday, April 13, 2008 9:27 PM
To: Gale, Kathy
Subject: Deer Creek River Bridge

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Amy Leppo
326 Gregory Drive
Golden, CO
80403

4/14/2008

Gale, Kathy

From: Natty Role [nattyrole@hotmail.com]
Sent: Sunday, April 13, 2008 7:02 PM
To: Gale, Kathy
Subject: Joe Scott Proposed Dock at Deer Creek

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,

Natty Role
322 6th Ave.
Clark Fork, ID 83811

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4/14/2008

Gale, Kathy

From: wapiti@mosquionet.com
Sent: Saturday, April 12, 2008 3:46 PM
To: Gale, Kathy
Subject: Do not allow a permanent dock to be installed at Deer Creek on the Lower Salmon...

Kathy,

I would like to formally oppose having a permanent dock of any sorts installed on the Lower Salmon. This type of action invariably leads to further developments and modifications. Ultimately it seems that this results in political settlements which further degrade the natural character of a national treasure, in this case the Lower Salmon River.

Even though I currently reside in Fairbanks, Alaska, my heart and even my former wife's ashes remains with the Lower Salmon. Please help to keep it special.

Sincerely,

Barry Whitehill
2310 Larissa Drive
Fairbanks, Alaska 99712

Gale, Kathy

From: Jessica Helsley [jesshelsley@gmail.com]
Sent: Saturday, April 12, 2008 2:39 PM
To: Gale, Kathy
Subject: RE: Joint Application for Permit #S79-20016

To Whom It May Concern;

We are writing to express our opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

We urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,

Jess Helsley & Greg Felten
Guides with ROW Adventures & Salmon River Experience

4/14/2008

Gale, Kathy

From: Barry Dow [bdow@ctcweb.net]
Sent: Saturday, April 12, 2008 11:41 AM
To: Gale, Kathy
Subject: Permit # S79-20016

April 12, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Lastly if this application is granted how could you deny others that may want similar favors?

Thank you for considering these comments.

Sincerely,

Barry Dow
191 Potter Lane
McCall, Id. 83638

4/14/2008

Gale, Kathy

From: Bil Platts [bplatts@ecosystemsciences.com]

Sent: Saturday, April 12, 2008 11:12 AM

To: Gale, Kathy

Subject: Boat Dock at Deer Creek Location

I oppose the construction and location of a dock at the Deer Creek site on the Salmon River. What a bad way to treat our only pristine river. Keep me posted on the decision making process.

Bill Platts

4/14/2008

Gale, Kathy

From: Bram Role [bramrole@hotmail.com]
Sent: Friday, April 11, 2008 6:18 PM
To: Gale, Kathy
Subject: NO DOCK AT DEER CREEK on Salmon River!!!

Kathy,

My name is Abraham Role. I am an Idaho resident and a recreational and commercial river user on the Salmon River in Idaho.

I AM OPPOSED TO ANY KIND OF DOCK OR PERMAENT STRUCTURE OF ANY KIND AT DEER CREEK ON THE SALMON RIVER. I co-own the Salmon River land at every point below the high water mark with every resident of Idaho and the United States. I prefer the natural construction of the natural beaches and river canyon and I feel that any dock or permanent object would take away from the natural beauty of the area. Thousands come to Idaho and the Salmon River to get away from the impacts of man and enjoy the wild. We don't need any more docks on the Salmon River and we don't want any more docks on the Lower Salmon.

I urge you...please help stop the dock construction on the Lower Salmon River.

Sincerely,

Abraham Role

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4/14/2008

Gale, Kathy

From: cud1105@aol.com
Sent: Friday, April 11, 2008 5:08 PM
To: Gale, Kathy
Subject: Joe Scott Dock on Salmon River

APRIL 11, 2008

Steve Cuddy
1076 Cee Way Loop
McCall, Idaho

RE: Joe Scott Application for permanent dock at Deer Creek Beach on Salmon River.

Dear Sir or Madam:

I am outraged that the State of Idaho would even consider allowing Joe Scott, or anyone else, to place a permanent private dock on a public river like the Salmon, effectively making a public beach on a well traveled whitewater restricted to only his use.

I have camped on that beach many times, as have many other Idahoans and visitors to our beautiful State. It is bad enough that Idaho alone allowed homes to be placed on the Snake below the Salmon while Washington and Oregon did not. Don't ruin the Salmon too.

If you allow this, how will you refuse others. Soon the Salmon will be no longer a wild river, and that is not in the interest of our State's many whitewater enthusiasts, nor our State's growing commercial tourist industry. People don't come to Idaho to see more development, they come to see nature.

NO DOCK!

Sincerely yours,

Steve Cuddy

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4/14/2008

Gale, Kathy

From: Connie Evans [cevans2@lewiston.com]

Sent: Friday, April 11, 2008 4:18 PM

To: Gale, Kathy

Hello,

My name is Steve Evans. I have been an Idaho resident since 1968. One of the reasons I moved to Idaho was for the mountains and the rivers. My favorite river is the Lower Salmon, and I have "ran" it almost every year at least once and some summers I have ran it as many as four times. I am not a professional guide, although I have worked for several on different occasions. I hear from one of them that someone is proposing a permanent dock at Deer Creek on the Lower Salmon. I am dead set against that. First of all it is an intrusion upon the natural river, and secondly, there is a great beach there already where any kind of craft can launch or land.

The more the the Lower Salmon River can be left alone the better for all of the citizens that currently use the river. Let us keep as much of Idaho as possible for everyone to enjoy and not for the wealthy few. Idaho is special because much of it belongs to all citizens. If and when that fact is no longer true will be a sad day for all Americans and Idaho would not be what it has been and what it remains as this note is written. I pray that my grandchildren and great grandchildren can just be on the Lower Salmon and enjoy it as generations already have.

Thank You,

Steven R. Evans, 26340 White Rd. Lapwai, Idaho, 83540

4/14/2008

Gale, Kathy

From: Penelope Geisler [pageisler@yahoo.com]
Sent: Friday, April 11, 2008 1:18 PM
To: Gale, Kathy
Subject: Re: Permit #S79-20016

Idaho Dept. of Water Resources
322 E. Front St.
Boise, ID 83720

Dear Ms. Gale:

I am strongly opposed to the application to permit a permanent dock on the Salmon River (#S79-2006).

As a natural waterway there is no place for such a man-made intrusion and no need either.

Please keep the Salmon free from unnecessary building and allow the wonder of the Salmon to continue for generations to come.

Sincerely,
Penelope Geisler
22175 S. Cave Bay Rd.
Worley, ID 83876

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Gale, Kathy

From: michael_wassmuth@agilent.com
Sent: Friday, April 11, 2008 10:53 AM
To: Gale, Kathy
Cc: michael_wassmuth@agilent.com
Subject: Joe Scott Dock Request

Good Morning,

I'd like to add my two cents and ask that a permit is not allowed for a boat dock on the Lower Salmon near the Joe Scott property. This would only be the start of many to come and that's not what is needed on this river.

I believe Mr. Scott could park his boat along the beach like everyone else, there's little current in that spot of the river and if it is anchored properly he should have no problem. The dock would be permanent and I know Mr. Scott is not at this house year around, so I see no need for a dock year around.

On another note, last summer I was on the Lower Salmon with a commercial group, I am a guide, one of our boats stopped at the beach below Mr. Scott's ranch and before long the care taker was down at the beach with his four wheeler asking us what we were doing on the beach and pretty much told the raft to move on. Is not the beach public property? A dock would only make it more easily for the care taker to act more like it was "his" property.

They have already carved a scare into the hillside for their four wheelers to get down to the beach and each time I have been there, they have a regular path/road down to the beach. Not what I'd like to see on the river.

Please do not allow this permit for a boat dock.

Regards, Respectfully,
Mike Wassmuth
5037 E Shoreline Drive
Post Falls, Idaho 83854

208-773-2273

Gale, Kathy

From: Michael Beckwith [michaelbckwth@yahoo.com]
Sent: Friday, April 11, 2008 9:59 AM
To: Gale, Kathy
Cc: John Barker; michaelbckwth@yahoo.com
Subject: Comment on proposed dock on lower Salmon River in the vicinity of Deer Creek

The lower Salmon River is an invaluable and irreplaceable public resource. There is no question that it meets the criteria and intent for inclusion in the Wild and Scenic River system, which should have been accomplished long ago. Permanent docks that only benefit wealthy individuals are grossly incompatible with these public resource values. The current proposal should be denied and a moratorium on all future applications should be instituted until the Wild & Scenic designation issues are resolved.

Thank you for the opportunity to comment. Please enter it into the official record.

Michael A. Beckwith
8754 Schweitzer Mt. Rd. #15
Sandpoint, ID 83864

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<http://mail.yahoo.com>

4/14/2008

Gale, Kathy

From: Janet Worthington [worthingtonjanet@yahoo.com]
Sent: Friday, April 11, 2008 9:54 AM
To: Gale, Kathy
Subject: Proposed dock on Lower Salmon at Deer Creek

Idaho Department of Water Resources:

The Lower Salmon, particularly from Hammer Creek on down to the confluence with the Snake River, is perhaps the greatest boating experience in Idaho. The river is challenging enough to make it an exciting whitewater adventure and the scenery is spectacular, in large part because there is little evidence of human intrusion onto the view. The existing structures at Deer Creek are shocking enough. Adding a dock would totally destroy that sense of being in a wild place.

Is a dock even necessary on a practical level? Hundreds of boaters each year use the Lower Salmon for stays of one, two, three, and more days and carry their supplies from boat to land and back to the boat and tie up their craft without needing a dock. Why should a dock be needed in this case? The supplies will be still moved the same distance, people will still get off the boat, and the boat can still be tied up securely without a dock.

Agencies always have to deal with the problem of balancing individual wishes with the needs of the community. In this case, I encourage you to keep the experience of the entire boating community in mind and reject the request for a dock for one individual.

Gary Worthington
8109 W. Powell St.
Boise, ID 83714
208 853-2599

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4/14/2008

Gale, Kathy

From: Joel Huettig [joelhuettig@hotmail.com]
Sent: Friday, April 11, 2008 9:39 AM
To: Gale, Kathy
Subject: Dock on the Salmon River

Dear Ms. Gale:

I hope I have your name correct, and I apologize if I don't. I am writing to comment on the proposed dock to be built along the Lower Salmon River by a private land owner. I have been a professional river guide for thirteen years, and have floated the Lower Salmon many times.

The Lower Salmon is a unique resource, in that it has been largely undeveloped, despite being entirely unprotected by any Wilderness, Wild and Scenic River, or other National Park-like status. This is a credit to sound management policies by the BLM, and specifically long-time and recently retired manager Lavelle I don't know his last name.

I would be disappointed to see a dock built along the river, and I would dare to speak for most of the river guests I have guided, and say that they would be disappointed and even dismayed to see any more development along the river. Most of our clients travel to our great state to avoid the crowding and development of their hometowns and cities, and greatly appreciate the chance to see the river in its natural state. A dock protruding into the river would violate the feeling that the river is free-flowing. While I understand that some of the land along the river is privately owned, as far as I understand, the river and river bed up to the high water mark are in the public domain, and as part of the public, I do not want a dock.

If Mr. Scott chooses to build a modest dock above the high water line and use it during times of high water to access the river, I guess that is his prerogative. But I am strongly opposed to any riverside construction within the public domain.

Thank you for your time.

Sincerely,

Joel Huettig

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April 11, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Stream Alteration Permit #S79-20016

I am submitting this letter to express my opposition to IDWR issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. In my estimation, the proposed dock would encumber a huge public beach along the Salmon River, used for decades by the public.

Various state agencies, including the Idaho Fish and Game and the Bureau of Land Management, and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. Hundreds, if not thousands, of river users boat this section of river every year because of the natural, scenic values of the river and its canyons. This proposed dock would directly and adversely impact the scenery and aesthetics of the area.

As a taxpayer and outdoorsman I oppose the permitting of this dock as it would essentially result in total loss of public use of the adjacent beach to area. As a taxpayer, I along with other residents are owners of this beach and I feel it should continue to be managed for public use and not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I ask that you to reject this application. There is absolutely no justifiable reason to permit the dock. As an outdoor user of this area I can testify that boats have been safely secured to the beaches and natural shoreline to access adjacent lands historically used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats.

Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

I appreciate the opportunity to submit my opposition on this proposal and would appreciate a response concerning your final decision

Sincerely,

Robert Minter
P.O. Box 505
Cascade, ID 83611



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Cottonwood Field Office
1 Butte Drive
Cottonwood, ID 83522-5200
<http://www.id.blm.gov/offices/cottonwood>

In Reply Refer to:
6510 (ID420)

April 11, 2008

Aaron Golart, Stream Channel Specialist
State of Idaho Department of Water Resources
Stream Protection Program
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

SURNAME/DATE	
Craig Johnson Biologist	
Joe O'Neill Outdoor Rec Planner	
Stephanie Connolly Field Manager - Sign	
Return to: Karen Hendren	

RE: Joint Application for Permit #S79-20016, Deer Creek LLC – Salmon River Boat Dock

Dear Mr. Golart:

This letter is in regards to a request for comments on the referenced Joint Application for Permit to construct/install a boat dock in the Salmon River. Primary concerns identified are for potential effects to water quality and visual/aesthetic quality of the Lower Salmon River. The Lower Salmon River is known regionally and nationally for its fisheries values (e.g., ESA-listed fish), ecological resources, scenic quality, and recreational values. We have reviewed the application and the following comments are submitted for your consideration.

The beaches along the Salmon River are owned by Idaho Department of Lands and are available for public use. The Bureau of Land Mangement (BLM) and Idaho Department of Lands entered into a Cooperative Management Agreement on February 12, 1990, which allows the BLM to assume the lead responsibility for management of the Lower Salmon River. This includes maintaining all the undeveloped campsites along the river which includes the beaches.

Review of the application, drawings, and digital image was conducted, and such appears to indicate that no new river access or road construction would occur; and if motorized access to the boat dock occurs, such would be by using an existing road and driving across a beach.

The BLM Lower Salmon River Recreation Area Management Plan adopted on May 6, 1983, discusses off-road vehicles stating that the designation of the public lands in the management

area is limited, with vehicle traffic restricted to existing roads and trails. Beaches fall under non-motorized designation and thus are closed to off-road vehicles.

BLM lands contiguous to the Salmon River and generally within one quarter mile of the Lower Salmon River from Hammer Creek to the confluence with Snake River are designated as part of the Lower Salmon River Area of Critical Environmental Concern (Federal Register, Vol. 54, No. 12, January 19, 1989). The purpose for this special management status was to maintain and protect the high value resources of regional and national significance, which includes a variety of resource values, and specifically that the area has national significance for its scenic quality.

The 112-mile segment of the Lower Salmon River, Long Tom Bar to the confluence of the Snake River, was designated a study river in 1968. The river was found eligible and suitable, and was recommended to Congress for inclusion in the National Wild & Scenic River System as Recreational (59 miles Long Tom Bar to Hammer Creek) and Scenic (53 miles Hammer Creek to the Snake River Confluence). Congress has deliberated the issue of designation numerous times but has yet to act.

BLM guidance requires that interim management be developed and followed to protect the free-flowing nature, outstandingly remarkable values, and recommended classification of suitable segments until congressional action regarding designation is taken.

The Lower Salmon River Recreation Area Management Plan adopted on May 6, 1983, discusses Visual Resource Management (VRM) and says to allow no more visual intrusions on public lands within the canyon. The BLM VRM category associated with the river corridor located in the area of the proposed boat dock is a class II category meaning the object of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. A boat dock would attract attention to casual river users. Of the 112 miles of river the BLM manages on the Lower Salmon River, there are no other boat docks.

As previously stated, the Lower Salmon River has a limited number of beaches along the river where people camp while floating/jet boating on the river. Having a boat dock on a beach gives the public the perception that the beach is not public and thus causes people to float by and look for another place to camp. The general public would gain nothing from allowing this dock to be installed. Several landowners along the Salmon River own jet boats and use them to access property and cabins along the river without boat docks. All of the commercial jet boat operators along the Lower Salmon River use the natural beaches to park their boats to camp and recreate.

The BLM has spent \$10,133,000 on conservation easements and purchases on 7,617 acres of private lands along the Lower Salmon River over the last 20 years to protect the outstanding remarkable values' s and scenic nature of the river and to protect the corridor from development.

BLM recommends the Joint Application for Permit #S79-20016, Deer Creek LLC – Salmon River Boat Dock be denied.

Thank you for providing this office the opportunity to comment on the application. If you have questions regarding submitted comments, please contact me or Joe O'Neill at (208) 962-3245.

Sincerely,

/s/Stephanie Connolly
Stephanie Connolly
Field Manager

cc:
Corps of Engineers, Duane Mitchell
Idaho Department of Lands

Gale, Kathy

From: Eric Geisler [ericsgeisler@yahoo.com]
Sent: Thursday, April 10, 2008 9:22 PM
To: Gale, Kathy
Subject: Comment on Joint Application for Permit #S79-20016

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

The lower Salmon River is a free running segment visited by many people each year. The attraction is the natural beauty of the river and the ease of access. There are no docks that I can recall from my many trips on that segment of the river.

The State and Federal government have managed the river in a natural state very effectively. The river users, use the beaches openly because they are public and unencumbered by development.

There is nothing to stop the applicant from beaching a boat along the shore just as the recreational users do.

I suggest the application be DENIED to keep the river corridor and beaches available for all users.

Eric Geisler
21775 S Cave Bay Rd
Worley, ID 83876

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Gale, Kathy

From: Bob Burns [bburns83638@yahoo.com]
Sent: Thursday, April 10, 2008 6:04 AM
To: Gale, Kathy
Subject: Stop permanent dock on Lower Salmon

Dear Department of Water Resources:

The disgraceful "mansion" on the Lower Salmon is already a horrible imposition on the wildness of the Lower Salmon. A permanent dock should never be allowed on a river that represents much of what people love about Idaho. Joe Scott's request for a permanent dock should NEVER be considered a rational request if we really feel that the Lower Salmon is a water resource.

Sincerely,

Robert E. Burns
Idaho resident for 31 years

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Gale, Kathy

From: Pierre Herman [pierre0841@yahoo.com]
Sent: Thursday, April 10, 2008 5:10 PM
To: Gale, Kathy
Cc: peter@ROWadventures.com
Subject: Comments on Application #S79-20016

Please confirm receipt of this email.

TO:

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098
RE: Joint Application for Permit #S79-20016

We are writing to oppose the issuance of a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. We have been a commercial outfitter on the lower Salmon since 1982. Our company, ROW Adventures, operates under permit from the BLM and a state outfitting license issued by the IOGLB.

Each summer we take between 300 and 400 people on trips that pass by Deer Creek. Our business employs over fifty seasonal employees. We spend tens of thousands of dollars in the counties adjacent to the lower Salmon River. Other outfitters guide thousands more. In addition several thousand people float this section of river on their own. These are your constituents that will be impacted by your decision.

One of the key draws to this section of the Salmon is that much of it has been preserved in a "wild" state, without development. This dock application, which would serve one property owner, would have a strong, negative impact on the many thousands of users that float the river. God knows there are few places left on earth where a person can travel and not see the hand of man. People yearn for these places. It is bad enough that Mr. Scott has built structures on the hill above the river that are an affront to the aesthetic sensibilities of all river users. There is no reason to allow yet another incongruous intrusion.

As we are sure you know, over the past 25 years the BLM and Idaho Fish and Game have worked hard to protect the natural beauty and relative wilderness of the lower Salmon. They have done this by spending millions of dollars to acquire conservation easements while also making sure there was still public access to the river. To compromise this expenditure of the publics' resources would be irresponsible and reckless.

There is a negative economic impact to the State of Idaho that would also result from allowing this dock to be built. We are not only concerned that our own business, which is the largest rafting outfitting business in the State, would suffer from any more development along the Salmon and specifically from the addition of a dock in the river, but are concerned for all business related to recreational floating on the river. People pay outfitters to float rivers that have outstanding scenic values. They come to see mountains, trees, wildlife and natural beauty, not houses on the banks and certainly not docks in the river. If the lower Salmon gets a reputation as a place that has been overly developed and is no longer a quality river trip, we and other outfitters will lose business. Suppliers to these businesses will in turn see revenue decreases. And, local, county and state tax collections will suffer.

4/14/2008

In addition, other private river users are also likely to quit coming and with them their dollars which are spent in local lodging, food stores, gas stations, shuttle services and more will diminish. To allow for the possibility of this economic loss for the benefit of one land owner is not acceptable.

For years boaters have simply beached their craft without the need for docks. The applicant's claims for the need to "secure" craft is not justified, nor necessary when taken within this historical context. There is no need for this to change for the convenience of one property owner.

If you were to permit this dock, it would also set a dangerous precedent and make it more likely for other property owners to want to add docks. It is your responsibility to not simply consider this as a one-time, one-case application, but rather, as the first step in what could be a larger cumulative impact. The Courts have upheld the concept of cumulative environmental impacts in many instances. For example, in the case of the Yellowstone River in Montana where a number of land owners wanted to build rip-wrap to stabilize their banks, thus changing the river's natural course, cumulative impact was deemed applicable. While any one of these projects might have had minimal impact when considered on its own, when you added up five or ten such projects the cumulative impact was deemed considerable and such that each application had to be considered within that context.

The same case is true here. You must consider this as the start of a potential cumulative impact as other river users may also see this dock, if permitted, as a green light for their own docks.

There is absolutely no public benefit from allowing this dock. While the beach would technically remain with public access, the fact is that river users are not going to feel comfortable using it if there is a dock there. Already this beach has been severely compromised by the fact that the building on the property above it looms over the beach like a barking watchdog. Since this is a public beach, the State of Idaho, and your department, owe it to the people of Idaho to maintain its character and traditional public use. Indeed it is your duty.

The West is proud of its individualism. However there are times when the good of the many must be considered in contrast to the good of the few. In this case the applicant has no "rights" to build a dock, and thus the issue is not muddied by property rights issues. Thus it should be an easy and simple decision for you to deny this application since clearly the public would suffer and be negatively impacted while a single property owner would benefit.

In summary, we urge you to deny this application. We appreciate the opportunity to comment and am happy to provide any additional information.

Sincerely,

Peter Grubb & Betsy Bowen
Owners, ROW Inc.
PO Box 579
Coeur d'Alene ID 83816

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4/14/2008

Gale, Kathy

From: Emilie Lewis [emilie.e.lewis@gmail.com]**Sent:** Thursday, April 10, 2008 12:53 PM**To:** Gale, Kathy**Subject:** Dock on Lower Salmon

Hello!!

I am writing in opposition to Joe Scott's proposed dock on the Lower Salmon at Deer Creek. As a river guide for OARS I enjoy introducing our guests to the wild places of Idaho. For many of these people our river trips are some of their first experiences with wild lands and I feel it is important to maintain the areas as such. I feel a dock would significantly detract from river users experience on the Lower Salmon. Moreover, further development on the Lower Salmon would undermine the uniqueness of the area which is why people are attracted to it in the first place. Though I understand and respect the rights of property owners, the State of Idaho has gone to great pains to acquire easements and limit development in the area as to maintain its wild character. There would be no public benefit to this dock running counter to the State's current objectives and actions in the area. Public lands and wild spaces are essential to our national character and it is important that we take proactive steps to ensure they remain this way for current users and future generations.

Thank you,

Emilie Lewis
1158 E 700S
Salt Lake City, UT
84102

4/14/2008

Gale, Kathy

From: Karl Geisler [karlgeisler@yahoo.com]
Sent: Thursday, April 10, 2008 11:36 AM
To: Gale, Kathy
Subject: Proposed Deer Creek Dock

Dear Ms. Gale,

Having worked as a professional guide on the Lower Salmon for three years, I was shocked to see that the Department of Water Resources was even considering a permanent structure in the river.

As the longest undammed river in the lower 48, the Salmon River holds national acclaim and recognition. People come from all over the United States to enjoy the wild beauty of the Salmon River. Its whitewater, deep canyons, and pristine beaches all combine to become one of the premier whitewater destinations of the world.

Building such a permanent, private structure on a wild and public river would detract enormously from the experience that users now enjoy. Boats of all kinds have used the beaches the Salmon River without docks for years - the building of a dock is simply unnecessary. Furthermore, the presence of a permanent dock implies beach ownership, which would restrict the use of public land.

A dock on the Salmon River would be an intrusive eyesore. For the beauty of the river, and the continued enjoyment of all river users, please do not approve permit #S79-20016. The Salmon River should be preserved in it's present state for future generations to enjoy, not changed for one user's unjustified whims.

Sincerely,

Karl Geisler
4255 Wedekind Road, 1225
Sparks, NV 89431

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4/14/2008

Gale, Kathy

From: Robert Wrigley [robertwrigley@gmail.com]
Sent: Thursday, April 10, 2008 11:22 AM
To: Gale, Kathy
Subject: Dock at Deer Creek

Dear Ms. Gale,

I am writing to you to voice my opposition to Mr. Scott being allowed to build a permanent boat dock at his property on Deer Creek, in the Lower Salmon River canyon. The rights of ownership are not open-ended, and in a place as scenic and historically significant as the Lower Salmon Canyon, the public's right to keep the river as primitive as possible seems to me to trump Mr. Scott's deed. The Salmon belongs to the people of Idaho, indeed to the people of the United State and all the world. It is a resource of immeasurable value to all people, not simply one person lucky enough to own acreage along its course.

Thank you for your consideration.

Robert Wrigley

--

Robert Wrigley
1068 Tolo Trail
Moscow, ID 83843
208.892.9517

4/14/2008

Gale, Kathy

From: Robert C. Johnson [rcjohnson@lewiston.com]
Sent: Wednesday, April 09, 2008 9:33 PM
To: Gale, Kathy
Subject: Deer Creek threatened

April 9, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely affected by this dock.

Allowing this dock to be built would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Yours sincerely,

Robert Coker Johnson
904 Warner Ave.
Lewiston, Idaho 83501

4/14/2008

Gale, Kathy

From: Josi Williams [josirosebw@hotmail.com]
Sent: Wednesday, April 09, 2008 9:11 PM
To: Gale, Kathy
Subject: Opposition to Dock Proposal

To Whom it May Concern;

As a river guide on the lower Salmon for the last few summers, I can't imagine a permanent dock installed on the river by Joe Scott's property. Every week I watched the progress of the construction of the mansion, and every week it imposed more and more on the wild and scenic shores that have made the Salmon River famous. I absolutely agree with LuVerne (and all other river rafters I'm sure), that allowing this dock to be installed will work against everything that so many people have fought for: to preserve the beauty and uniqueness of the longest un-dammed river in the lower 48.

Please reject this application so that we can continue to share and enjoy this beautiful river. My dad tells stories about the Salmon River that still ring true today, and I hope to be able to share those stories with my children who will be able to experience the Salmon River like so many generations before (with minimal privatization and building on its shores).

Thank you and please feel free to contact me if needed.

Josi Williams

208-250-4539

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Gale, Kathy

From: Dean Bennett [dean_bennett@nic.edu]
Sent: Wednesday, April 09, 2008 3:15 PM
To: Gale, Kathy
Subject: RE: Joint Application for Permit #S79-20016

April 8, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock. Linda and myself have boated this river for over 18 years and truly love this section.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. A structure such as this would give the appearance that the beach is private and off limits to the public. The large house with private road access to the beach gives boaters the impression that this is a private beach as it is, so further beach development would definitely change the public view.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

We urge you to reject this application. In the past boats have been safely secured to the beaches and natural shoreline to access adjacent lands this system works and will continue to work without intrusion onto the beach or into the river. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,

Dean & Linda Bennett
125 S. Laurel St.
Post Falls, Idaho 83854

4/9/2008

Gale, Kathy

From: Gary and Barb Lane [wapitirg@spro.net]
Sent: Wednesday, April 09, 2008 2:26 PM
To: Gale, Kathy
Subject: deny special privileges

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098
RE: Joint Application for Permit #S79-20016

Dear IDWR,

Please, please, exercise extreme caution in reaching your decision on Joe Scott's application for a permanent boat dock on the Lower Salmon River near Deer Creek. For the past 40 years I have been floating this section of river, (commercially, as an outfitter and guide since 1975) and have often camped on the beach at this very site.

It is bad enough that the palatial monster lodge built on the bluff above the beach can be seen for miles from both the up and downstream direction. But now, Joe wants his own private dock and is willing to use his extreme wealth and influence to buy whatever money can buy to make that possible.

Last fall when I first discovered his giant floating dock, it angered me enough, that I was just about ready to start throwing rocks at the windows in his "Conspicuous Consumption Palace". I still see red when I think about his ugly intrusions into an otherwise beautiful landscape canyon.

This is nothing more than elitism at its zenith, at the expense of the public good. Over the years I have guided hundreds of people down the river, as I continue to do now. These people do not sign up for a river trip to see more examples of man's design. They wish to get away from the mechanized landscape to a more natural environment. These kinds of places are ever shrinking in the world today, not expanding. It is another prime example of the "nature deficit disorder" so characteristic of our society and culture. Man's technology can never replace what nature alone provides.

To allow Joe his dock would be a gross injustice to the general public and other businesses that depend on the areas natural wonder for their professions. Over the years, the BLM and IDF&G have gone to great lengths and spent vast amounts of money to secure easements and acquire lands to conserve the natural integrity of this scenic canyon, wherever possible. It makes no sense to undermine these efforts and investments. It would be like removing the foundation to a house and still expecting the roof to remain stable.

Favoring special use permissions of this magnitude represent a grand example of promoting "playgrounds for the rich" and demonstrate a political corruption associated with those who think they can use their influence to buy everything. Again, please, please, don't give in to the gross injustice this would surely be. I urge you not to grant this special privileges application. As a **public agency**, the Water Resources Dept should apply management direction towards the "**public good**".

Thank you for considering my comments.

Gary Lane
Wapiti River Guides (outfitter on the Lower Salmon)
Box 1125
Riggins, ID 83549

4/9/2008

Gale, Kathy

From: Brigitte Derel [ttigerlily@hotmail.com]
Sent: Wednesday, April 09, 2008 2:05 PM
To: Gale, Kathy
Subject: dock proposal

Dear Kathy,

Hello, I just wanted to share my concerns regarding the Salmon and the proposal to allow a private dock on public land. I feel that it would greatly take away from the natural beauty of the area and make it much less of a wilderness experience. Please consider all the folks like me, who head to rivers like the Salmon to experience nature and get away from development. The canyon is an important place for many many people. It is public land that Idaho has fought to keep. Please do not support this proposal. Pristine land is hard to find, we have to hold tight to what we have for the future and for the present. This river is home to many animals, as well and boaters who love it. Please think about the whole picture!!

Thank you for your time!

Brigitte Derel

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4/9/2008

Gale, Kathy

From: John Fisher [jwfisher@starband.net]
Sent: Wednesday, April 09, 2008 10:17 AM
To: Gale, Kathy
Subject: Dock on the Lower Salmon

Re: Joint Application for Permit #S79-20016

For over 35 years I have boated the Lower Salmon, shared the biology & History with hundreds of clients, and helped identify the cultural sites with the archeologist. A private dock is inappropriate on this stretch of river and unnecessary and will inhibit the use of the public beach on or near which it sits. Please reject this unnecessary private intrusion on a highly popular river.

John W. Fisher
25216 Arrow Highline Rd.
Juliaetta ID 83535
208-843-7159

Gale, Kathy

From: jessica.evanswall@duke.edu
Sent: Tuesday, April 08, 2008 6:02 PM
To: Gale, Kathy
Subject: Application for Permit #S79-20016

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek.
The proposed dock would encumber a huge public beach along the Salmon River.

I grew up for in a cabin on Hells Canyon and love the fact that private home owners can live in such an amazing place. I strongly believe, however, that these private landowners should not in any way limit access to public land. The Lower Salmon River is a public river and is cherished by so many, it would be a shame to exclude the public from experiencing the magic of this place.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

Please reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.
cheers
Jess

Gale, Kathy

From: Lillebo, Karen E [lillebo@bendres.com]
Sent: Tuesday, April 08, 2008 5:24 PM
To: Gale, Kathy
Subject: Joint Application for Permit #S79-20016

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

April 9, 2008

Dear Idaho Department of Water Resources:

Please reject the application for a permit to build and/or place a boat dock on the lower Salmon River at the beach near Deer Creek, on property owned by the State of Idaho.

The lower Salmon River is a regional scenic and recreational treasure and an important destination resource for the thousands of people who enjoy its beaches, geology, natural scenery and invigorating whitewater each year. These people contribute dollars to the economies of Riggins, Whitebird, Grangeville and other nearby communities. In recognition of the public value of this stretch of river, the State of Idaho and federal government have spent millions of dollars acquiring property and easements therein.

The proposed dock represents a negative step in the cumulative degradation of the lower Salmon River's natural beauty and usability. Due to the stability of flows on this river, a dock is not at all necessary for the safety of the permit applicant's boat(s). Boats can easily and safely be moored on the beach with little or no inconvenience.

Please do not damage this public treasure with inappropriate development. Thank you for your consideration.

Sincerely,

Karen E. Lillebo
1629 NW Fresno Ave
Bend, Oregon 97701

4/9/2008

Gale, Kathy

From: R. Bailey [jcilybear@eoni.com]
Sent: Tuesday, April 08, 2008 5:08 PM
To: Gale, Kathy
Subject: Permit #S79-20016
Attachments: Opposition to Lower Salmon Dock.doc; ATT884835.htm

Ms. Gale: Please accept the attached letter in opposition to Joint Application for Permit #S79-20016.
Thank you.

Richard K. Bailey

4/9/2008

Gale, Kathy

From: Morag Prosser [morag@ROWadventures.com]
Sent: Tuesday, April 08, 2008 5:00 PM
To: Gale, Kathy
Subject: Joint Application for Permit #S79-20016

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

Dear Kathy

RE: Joint Application for Permit #S79-20016

Please add my support to the comments below – I could not have worded it better myself

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,

Morag Prosser

4/9/2008

**2006 and 2007 Award Winner for "Tours of a Lifetime" by National Geographic Traveler.
2008 Top Ten "Trips of the Year" from Outside Magazine.**

Morag Prosser
Adventure Consultant

ROW Adventures - Rafting, Fishing, Canoeing and more in the USA

ROW Adventures

ROW International - Worldwide Adventures

ROW International

River Dance Lodge - Idaho's Outdoor Adventure Resort

River Dance Lodge

PO Box 579

Coeur d'Alene, ID 83816

tel 208-765-0841 fax 208-667-6506

email morag@rowadventures.com

Gale, Kathy

From: Hutch [hutch@psetrucking.com]
Sent: Tuesday, April 08, 2008 4:27 PM
To: Gale, Kathy

RE: Joint Application for Permit #S79-20016

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River. The dock would be (is) a visual intrusion on an otherwise natural waterway. While the private development that it would serve is also an intrusion, people understand and respect private property rights. However, encumbering public property with such development is unacceptable, especially given all the previous efforts by the public to protect the Lower Salmon.

I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

I'm taking this protest letter from LuVern Grussing who I fully support. This river is too beautiful to have a dock on it.

I have floated this section of river for last 23 years and just gets better each time. I can't wait to take my grandkids on the Lower salmon. I hope they will enjoy this free flowing river long after I'm gone. (without docks).

Thank you for considering these comments.

Sincerely, John E Hutchins
3710 W Little Rock st.
Spokane, Wa. 99224

4/8/2008

Gale, Kathy

From: Koni Konigsberg [Koni@ROWadventures.com]
Sent: Tuesday, April 08, 2008 4:21 PM
To: Gale, Kathy
Subject: RE: Joint Application for Permit #S79-20016

I am writing to express my complete opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

Permitting this dock would essentially result in total loss of public use of the large beach to which it would be grounded. The State of Idaho owns the beach, and should continue to manage it for public use, not the exclusive use of a private landowner. There is absolutely no public value to be gained from this proposal to encumber public lands, only loss. Even though the beach would not be officially closed, public access to it would be reduced, since a structure such as this would give the appearance that the beach is private and off limits to the public.

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I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,
Koni Konigsberg
Director of Operations

**2006 and 2007 Award Winner for "Tours of a Lifetime" by National Geographic Traveler.
2008 Top Ten "Trips of the Year" from Outside Magazine.**

ROW Adventures - Rafting, Fishing, Canoeing & More in the USA
www.ROWadventures.com
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www.ROWinternational.com
River Dance Lodge - Idaho's Outdoor Adventure Resort
www.RiverDanceLodge.com

PO Box 579
Coeur d'Alene, ID 83816
tel. 208-765-0841 Fax 208-667-6506
Email koni@ROWadventures.com

4/9/2008

Gale, Kathy

From: Robert House [biohouse@cablone.net]
Sent: Tuesday, April 08, 2008 3:31 PM
To: Gale, Kathy
Subject: Joe Scott proposed permanent dock at Deer Creek

I oppose the installation of a permanent dock on the lower Salmon River at Deer Creek. Although bad enough as a single dock, approval of this dock could open the gates for numerous more docks, which could have serious cumulative negative effects on the Salmon River and fishery it supports. Deny the permit. Hopefully the COE will also deny the 404 permit.

Bob House

No virus found in this outgoing message.

Checked by AVG.

Version: 7.5.519 / Virus Database: 269.22.9/1364 - Release Date: 4/7/2008 6:38 PM

4/8/2008

April 8, 2008

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

RE: Joint Application for Permit #S79-20016

I am writing to express my opposition to issuing a permit for a stream channel alteration to install a dock on the Salmon River near Deer Creek. The proposed dock would encumber a huge public beach along the Salmon River.

Idaho Fish and Game and the Bureau of Land Management and have spent millions of dollars acquiring land and conservation easements in this area to preserve public access and protect the natural environment of the Lower Salmon River by limiting development in the river corridor. The thousands of river users who boat this section of river every year because of the natural, scenic values of the river and its canyons would be directly and adversely impacted by this dock.

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I urge you to reject this application. There is absolutely no justifiable reason to permit the dock. Boats have been safely secured to the beaches and natural shoreline to access adjacent lands for as long as boats have used the Salmon River. It is completely unnecessary to install an intrusion such as this to "secure" boats. Please deny this application and continue your management of the Salmon River for the benefit of the general public, rather than a private landowner.

Thank you for considering these comments.

Sincerely,

LuVerne D. Grussing
23860 Hewett Road
Juliaetta, ID 83535

To whom it may concern,

I am writing in regards to the application for the boat dock at Deer Creek in the Lower Gorge of the Salmon. I am completely against this. I've worked down there as a float guide since '96 and as a powerboat guide as well from 2002. I also have a few dozen private trips there as well as the Lower Salmon is one of my favorite areas. There are so few places left for us to "get away from things". One of the best things about that section, in my opinion is the lack of development. I also know that is no accident and that it took a concentrated effort over a long period of time to insure that it stays that way. However, it seems that there is always someone trying to change things. I'm not thrilled with new houses being built, but building a big dock out in the water is just too much. It's certainly not necessary. As a Coast Guard licensed pilot, I know that there is absolutely no reason that a powerboat cannot be adequately secured to lines from the shore. It's strictly for the convenience of one at the cost of intrusion upon everyone else. Or perhaps it's just for the "look at my fancy dock" effect. Not to mention the certainty that as soon as one dock goes in the requests will be in for others. Please stop it now. Lets keep the Wild Salmon as wild as possible for as long as possible. Thank you for your consideration.

Sincerely,

Doug Dennis
454 Seven Devils Rd
Riggins, ID 83549
208.628.3184

Gale, Kathy

From: Carol Furey-Werhan [Carol@LewisCountyID.Org]
Sent: Thursday, April 03, 2008 10:52 AM
To: Gale, Kathy
Subject: Joint Application Permit 3S79-20016 Deer Creek LLC--Salmon River

April 3, 2008

Regarding the Joint Application for Permit #S79-20016
Deer Creek LLC—Salmon River

Lewis County Planning and Zoning Department, Nezperce, ID approves the above referenced proposal sent with the letter from Duane Mitchell, Corps of Engineers, Walla Walla, WA

Sincerely,

Carol Furey-Werhan
Lewis County Planning & Zoning Coordinator

4/7/2008



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
201 NORTH THIRD AVENUE
WALLA WALLA, WASHINGTON 99362-1876

March 31, 2008

RECEIVED

APR 02 2008

WATER RESOURCES
WESTERN REGION

Regulatory Division

SUBJECT: NWW-2008-00229-W04 (Idaho State No.: S79-20016)

Mr. Dennis Moyer
Deer Creek, LLC
501 Baybrook Court
Boise, Idaho 83706

Dear Mr. Moyer:

We reviewed your proposed placement of a floating dock in the Salmon River which is described in your March 19, 2008 Joint Application for Permit. Based on the information you provided, your work will not involve a discharge of dredged or fill material below the ordinary high water mark of Salmon River or in wetlands. Therefore, a Department of the Army permit will not be required for your project.

Your project, as proposed, may affect the Snake River Sockeye salmon (*Oncorhynchus nerka*), Snake River steelhead (*Oncorhynchus mykiss*), and the Snake River Spring/Summer Chinook (*Oncorhynchus tshawytscha*) which are protected under the Endangered Species Act of 1973, as amended. Under the Endangered Species Act, it is illegal to kill, harm, harass, possess or remove protected species from the wild. We strongly suggest you contact the NOAA Fisheries Service, telephone 208-983-4060, before you begin any work at this site to ensure that you comply with provisions of the Endangered Species Act.

This determination applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. Your project may require a permit from the Idaho Department of Water Resources. In addition, your project may require a permit from your local city or county zoning office if they adopted a local floodplain management ordinance under the National Flood Insurance Program. You should contact these agencies to obtain any necessary permits prior to starting construction.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey which you may complete and return to us by mail or fax.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

March 26, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

Duane Mitchell
Corps of Engineers
Walla Walla District
201 North 3rd Street
Walla Walla WA 99362-1876

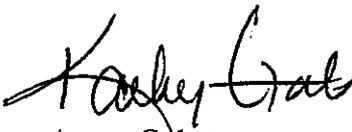
RE: Joint Application for Permit #S79-20016
Deer Creek LLC – Salmon River

To Whom It May Concern:

Enclosed is a copy of the above referenced application for a permit to alter a stream channel. Please review the application and reply with your comments or objections to this Department by **April 14, 2006**.

At the end of the comment period a decision to approve or deny the application will be made based on the information that has been received. If the department does not receive a reply, we will assume you have no comment. For your convenience you can email your comments to Kathy.gale@idwr.idaho.gov If you have any questions regarding the proposal, please contact the applicant at the address and phone number listed on the enclosed application, or contact this office.

Sincerely,


for Aaron Gdlat
Stream Channel Specialist
Stream Protection Program

Cc: F&G, DEQ, Lewis County, BLM. Lands



501 Baybrook Court
Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101

TELEPHONE: (208) 424-3840

FAX: (208) 424-3850

October 26, 2007

Mr. Aaron Golart
Stream Channel Specialist
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RECEIVED

OCT 29 2007

WATER RESOURCES
WESTERN REGION

RE: Floating Dock
Lower Salmon River near Deer Creek
Lewis County, Idaho

Dear Mr. Golart:

I thought that it might be helpful to follow up on our telephone conversation of last week. You had inquired about our dock located on the Lower Salmon River in Lewis County.

As we explained, we worked with Mr. Erv Ballou at the Idaho Department of Water Resources in reviewing the details of the project. In addition, as suggested by Mr. Ballou, we contacted the U.S. Bureau of Land Management and the Idaho Department of Lands to see if they had any concerns. Both agencies stated that they were okay with the project as proposed.

The contact at the Cottonwood, Idaho BLM office is Mr. Kurt Pavlat at telephone: 208-962-3256 or 208-962-3779. I spoke to Mr. Pavlat on this matter on March 21, 2007.

I contacted Mr. Thom Hawkins at the Craigmont, Idaho office of the Idaho Department of Lands at telephone: 208-924-5571. I spoke to Mr. Hawkins on April 9, 2007.

Mr. Ballou notified me of IDWR's approval on April 23, 2007.

Again, thank you for your help.

Sincerely,
Deer Creek LLC


Dennis Moyer
Vice President Real Estate

The logo for ALSCOTT, featuring the word "ALSCOTT" in a serif font inside a rectangular border with a small circle at the top right corner.

501 Baybrook Court
Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101

RECEIVED

MAR 21 2008

TELEPHONE: (208) 424-3840

WATER RESOURCES
WESTERN REGION

FAX: (208) 424-3850

March 19, 2008

Mr. Aaron Golart
Stream Channel Specialist
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Floating Dock

Dear Mr. Golart:

As you have requested, we are providing the attached Joint Application For Permits form for your files and include copies of the descriptive information that we submitted previously for the approval of the portable floating dock located at Deer Creek on the Lower Salmon River. It is important to again note that this information originally was submitted in 2007 as specified and distributed to agencies as state officials directed. The project was approved by each of those agencies.

As explained in the April 2007 letter to Idaho Water Resources, Deer Creek LLC owns property on the Lower Salmon River in the vicinity of Deer Creek, in Lewis County, Idaho near the Nez Perce County line (N1/2 of Section 27; T 31 N; R 3 W.). The private cabin on the property is maintained for personal non-commercial use.

The floating dock is portable and is removed from the river each winter to avoid high water and debris during spring runoff. The dock is anchored by chains above the high water mark and secured on the river side by portable, precast concrete anchors.

There are no permanent anchor bolts or pylons installed either below the high water mark or into the river bed. In addition, the dock site is located along the north bank of the river channel and in slack water along a sand bar that is well away and out from the main current and flow of the river. The river flow, river bank, and river bed are not altered.

We were told on several occasions that an Encroachment Permit was not required but it would be necessary to get a review and approval by the appropriate agencies directly involved in this part of the Salmon River. Those agencies were Idaho Department of

Water Resources in Boise and Idaho Department of Lands Craigmont Office. We also contacted the Bureau of Land Management in Cottonwood about the project.

An information package was assembled that included a description of the project, aerial photos, location maps, sketches of the dock, pictures of the site; manufacturer's brochure; drawings and photos of the river location; etc. After their careful review, each of these various agencies gave their approval to proceed with the project.

Based on this unanimous approval, the floating dock system was purchased, transported to the property and assembled, then installed at the site as proposed. The dock was used late that summer and through the fall season. In late fall, the dock was removed and stored. The entire system worked very successfully as planned and designed.

If you have any questions, please call me at 208-424-3865 or email at dmoyer@alscott.com.

Thank you.

Sincerely,
Deer Creek, LLC

A handwritten signature in blue ink that reads "D. Moyer" with a horizontal line extending to the right.

Dennis Moyer
Vice President, Real Estate

Gale, Kathy

From: Ballou, Erv
Sent: Wednesday, July 25, 2007 12:37 PM
To: 'Dennis Moyer'
Cc: Golart, Aaron; Gale, Kathy
Subject: RE: Proposed Floating Dock

Dear Mr. Moyer:

As discussed in my phone message, I replied to your email with the design information attached on April 23, 2007. After review of the information you sent, which was in line with our phone discussion, I determined your proposed floating dock does not need a steam channel alteration permit from the Idaho Department of Water Resources. That includes the weighted anchors, provided they they are removed from the riverbed when the dock is taken from the river.

If you have any additional questions please do not hesitate to contact this office or Aaron Golart in our Western Regional Office at (208) 334-2190

Erv Ballou
 Coordinator
 Stream Protection Program

-----Original Message-----

From: Dennis Moyer [mailto:dmoyer@alscott.com]
Sent: Tuesday, April 24, 2007 11:19 AM
To: Ballou, Erv
Subject: Fw: Proposed Floating Dock

Erv. I am resending this to make sure that the email address is corrected. Dennis

----- Forwarded by Dennis Moyer/ALSCOTT/JKAF on 04/24/2007 11:16 AM -----

Dennis Moyer/ALSCOTT/JKAF

To "Erv Ballou" <Erv.Ballou@idwr.gov>

cc

04/24/2007 10:18 AM

Subject Proposed Floating Dock

Erv: Attached are the drawing and pictures of the style of dock that is proposed for the Salmon River adjacent private property in Lewis County. I'm certainly no artist, but hopefully the sketch is helpful. If you have any questions, please call me at 424-3865.

Thanks again for your help.

Dennis

----- Forwarded by Dennis Moyer/ALSCOTT/JKAF on 04/24/2007 10:11 AM -----

"Alscott" <rbutler@alscott.com>

To "Dennis Moyer" <dmoyer@alscott.com>

cc

04/23/2007 06:03 PM

Subject Attached File

The logo for Alscott, featuring the word "ALSCOTT" in a stylized, serif font with a red-to-purple gradient, enclosed in a thin black rectangular border.

501 Baybrook Court
Boise, Idaho 83706-3963
P.O. Box 70001 • Boise, Idaho 83707-0101

RECEIVED

MAR 21 2008

WATER RESOURCES
WESTERN REGION

TELEPHONE: (208) 424-3840

FAX: (208) 424-3850

April 23, 2007

Mr. Ervin Ballou
Coordinator Stream Protection Program
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Via E-Mail: <Erv.Ballou@idwr.idaho.gov>

RE: Proposed Dock
Salmon River, Lewis County, Idaho

Dear Mr. Ballou:

As requested I have attached a drawing and some pictures to describe of the type of floating dock being proposed on the Salmon River. Hopefully when you combine these with the information I submitted earlier, there will sufficient detail for your approval.

The dock is to be made up components that are each approximately 6 ft. 6 in. wide and 9 ft. 9 in. long. Six (6) of these dock sections (see attached drawing with dimensions) will be interlocked together to form a "T" configuration. This will result in two legs of the "T" which are approximately 29 ft. 3 in. long and 6 ft. 6 in. wide.

The dock will be anchored to a rock outcropping on private property, above the high water line. A series of concrete anchors with eye bolts will be attached with chains or cable to secure the dock on the water side. These anchors will portable and of a size that can be removed along with the dock each season during the high water periods.

The nearby slope of the sand bar will allow a convenient place to access the shore with a tractor or other equipment to haul the dock and anchors out of the river and away to storage above the high water line.

As noted previously the river's main channel and flow of the current is along the opposite side and against the south shore line. The dock will be located on the north side in slack water which has created the sand bar.

Please let me know if you have any questions. My phone number is 424-3865 and email dmoyer@alscott.com.

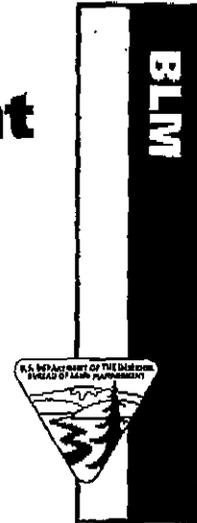
Sincerely,
Deer Creek, LLC



Dennis Moyer

Attachments.

Bureau of Land Management
Cottonwood Field Office
1 Butte Drive
Cottonwood, ID 83522-5200
Phone: 208-962-3245 Fax: 208-962-3275



Fax Cover Sheet

To: Chuck Galaway

Phone: 287-4919 Fax: 287-6700

Office: _____

From: Joe

Phone: 962-3683

Number of pages including cover sheet: 4

Remarks: IDL-BLM mou for
Lower Salmon River

**Agreement
For Cooperative Management of the Lower Salmon River
A Proposed National Wild and Scenic River**

This agreement is between the United States of America, acting by and through the Idaho State Director, Bureau of Land Management, and the State of Idaho, acting through the State Board of Land Commissioners. Its purpose is to provide for cooperative management of the lower Salmon River (Long Tom Bar to the Snake River) and adjacent lands within the corridor which is proposed as an addition to the National Wild and Scenic River system.

The authority for entering into this agreement is provided by Cooperative Agreement Idaho-152 between the Governor of Idaho and the State Director, Bureau of Land Management, U.S. Department of the Interior, and Sections 58-104 (9) and 58-134, Idaho Code.

WHEREAS, the State of Idaho, upon admission to the Union in 1890, gained title to the beds of all navigable bodies of water pursuant to the equal footing doctrine (including the beds of the Salmon River beneath the navigable portions), which had not been previously conveyed pursuant to an act of Congress under a special duty or public exigency; and

WHEREAS, the State of Idaho, the United States of America, and their agencies wish to assure that within the limits prescribed by law, each implements and carries out to its best ability management policies jointly developed and approved for the river and adjacent lands;

NOW THEREFORE, the United States of America acting through the Bureau of Land Management, Idaho State Director, and through the Governor of Idaho, State of Idaho, mutually agree to the following:

A. The Bureau of Land Management will continue to assume the lead responsibility for management of the lower Salmon River. Management actions to date include the hiring of river management personnel, development of a recreation management plan for visitor protection and control, and the establishment of a resource area headquarters at Cottonwood, Idaho. The BLM has patrolled the river during the 1975 through 1988 float seasons, collected visitor use data, issued commercial float permits, initiated an educational program, inventoried potential campsites, surveyed visitor hazards, constructed and maintained launch sites, and maintained all undeveloped campsites in the river corridor. Funds for river management will continue to be budgeted as part of the regular BLM appropriation.

At any time the Department of Lands is capable of so doing, they may provide personnel to assist the Bureau of Land Management in patrolling the river.

B. BLM river management plans will be used as the basis for future management actions. These plans include but are not limited to recreation user carrying capacity determinations, recreation regulations, and land use management recommendations. Plan revisions will be accomplished using mutually agreeable procedures.

C. Both agencies to this agreement will coordinate and seek reasonable solutions to any proposal action or program developed by either party that will affect the lands, programs or projects of the other party.

D. The issuance of special recreation use permits authorizing commercial outfitters to operate in the river corridor will include the licensing procedures of the Idaho Outfitters and Guides Licensing Board.

E. The development of facilities to accommodate recreational use by the State of Idaho or by the Bureau of Land Management on lands of the other party will require prior approval of the landowner.

F. On-the-ground supervision of river activities, including the issuance of river oriented recreation use permits and fee collections, will be the primary responsibility of the Bureau of Land Management.

G. Should the need arise for imposing the State of Idaho's regulatory authority on lands under their jurisdiction, personnel representing the state will be available to assist Bureau of Land Management river rangers.

H. It is recognized that the parties to this agreement and their agencies and representatives have responsibilities under statute, or otherwise, which cannot be waived or abrogated. This agreement does not affect such nondiscretionary mandates.

I. Nothing in this agreement shall commit the parties or their agencies or representatives to the expenditure of funds not authorized by law.

J. This agreement can be terminated by written request of either the State Department of Lands or the Bureau of Land Management.

K. The liability of all parties will be fully protected in the issuance of special recreation use permits. Liability insurance, required as a condition for issuance of commercial user permits, will name the State of Idaho as coinsured with the Bureau of Land Management.

APPROVED AS TO FORM:

BUREAU OF LAND MANAGEMENT, IDAHO

By: Richard D. Vail
State Director

State of Idaho)
County of Ada)

On this 26th day of November 1990, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared Richard D. Vail known to me to be the State Director of the Said BUREAU OF LAND MANAGEMENT, IDAHO, whose name is subscribed to the within and foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lucretia Carpenter
Notary Public in and for the
State of Idaho,
residing at Boise, Idaho
My bond expires 1-14-92.

IN WITNESS WHEREOF, the State Board of Land Commissioners has caused these presents to be executed by its President, the Governor of the State of Idaho, and countersigned by the Secretary of State, and the Director, Department of Lands:

STATE BOARD OF LAND COMMISSIONERS

Cecil D. Andrus
President, and Governor of the State of Idaho

Countersigned:

Pete T. Cenarrusa
Secretary of State



Stanley F. Hamilton
Director, Department of Lands

State of Idaho)
County of Ada)**

On this 12 day of February, 1990, before me, a Notary Public in and for said state, personally appeared CECIL D. ANDRUS, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners; PETE T. CENARRUSA, known to me to be the Secretary of State of the State of Idaho; and STANLEY F. HAMILTON, known to me to be the Director of the Department of Lands of the State of Idaho, that executed the said instrument and acknowledged to me that such State of Idaho and State Board of Land Commissioners executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

John B. Brogan
JOHN B. BROGAN, Notary Public
residing at Idaho City, Idaho
My Commission expires 8-25-1992