3 ISSUES, GOALS, AND RECOMMENDATIONS

3.1 Introduction

When determining the best uses of the state's water resources, the Idaho Water Resource Board must balance competing uses and needs. The Board's recommendations for finding that balance were developed through a process set out in the *Comprehensive State Water Planning Rules* (*IDAPA 37.02.01*). In addition, content of comprehensive state water plans are guided by the criteria found in *Idaho Code § 42-1734A(1)(a-e)*. These criteria are broad in scope and address conservation, development, and management of water and related resources of Idaho, all in the public interest. The criteria are:

(a) Existing rights, established duties, and the relative priorities of water established in article XV, section 3, of the constitution of the state of Idaho, shall be protected and preserved;

(b) Optimum economic development in the interest of and for the benefit of the state as a whole shall be achieved by integration and coordination of the use of water and the augmentation of existing supplies and by protection of designated waterways for all beneficial purposes;

(c) Adequate and safe water supplies for human consumption and maximum supplies for other beneficial uses shall be preserved and protected;

(d) Subject to prior existing water rights for the beneficial uses now or hereafter prescribed by law, minimum stream flow for aquatic life, recreation and aesthetics and the minimization of pollution and the protection and preservation of waterways in the manner hereafter provided shall be fostered and encouraged and consideration shall be given to the development and protection of water recreation facilities;

(e) Watershed conservation practices consistent with sound engineering and economic principles shall be encouraged.

Additional plan guidance, which reflects local issues, goals, and recommendations, was obtained from the Little Salmon River basin citizens advisory group. Discussions about issues and concerns centered around four areas: 1) flood management, 2) water quality, 3) fisheries, and 4) loss of local control if new federal or state regulations were imposed. The last concern was expressed particularly in relation to the coordination of land and water use practices with water quality enhancement projects and wildlife habitat rehabilitation efforts. All areas of concern contained elements relating to the availability of data and agency coordination.

Based on available information, the Board developed plan recommendations and presented them in the plan's first draft. These draft recommendations were mailed to the citizens advisory group for evaluation and comment. The draft recommendations were further refined in the plan's second draft. Citizens advisory group members provided the Board's planning staff with written survey responses and verbal responses during this process. All survey materials and other intermediate planning products compiled during prioritization of the recommendations are not included in this plan (but are maintained on file at IDWR's state office).

The Board's recommendations are categorized below according to the issues of concern as prioritized by the Board and the citizens advisory group. Following each issue discussion are goal statements that were developed by the group and the Board. The recommendations, listed at the end of each issue section and after the goals, are an outgrowth of the ideas and direction provided to the Board by the citizens advisory group.

At the core of this plan is the Board's recognition that local control can be maintained only if local citizens and residents participate constructively in the decisions that affect their community. Although *Idaho Code § 42-1734B (4)* directs state agencies to "exercise their duties in a manner consistent with the comprehensive state water plan," the Board also relies on cooperation and assistance from others to implement its *Plan* recommendations. The Board urges all agencies and the public to implement the recommendations in a manner that supports and complements the *Plan*.

3.2 Issues, Goals, and Recommendations

ISSUE: Water Rights and Water Use

Nothing is more important to the Idaho Water Resource Board than the protection of Idaho water rights. This *Plan* helps to protect those rights, and discourages interference from federal or other out-of-state interests. The Board encourages water right owners to use their valid water rights within the legal limits of those rights.

In order to use water effectively, water-right holders should consider use of the Idaho Water Resource Board's water bank. The bank allows water right holders to voluntarily make unused rights available for lease through the Board. By volume, application of agricultural water constitutes the greatest use of water in the basin relative to other uses. This reinforces the importance of agriculture in the basin, and this *Plan* encourages water right holders to seek the best use of their water rights. One recent example of this concept is demonstrated with the newly formed water bank on the Lemhi River in eastern Idaho (*Idaho Code § 42-1763C*). The water bank has allowed diversions of water to improve anadromous fish passage while providing irrigators who participate on a voluntary basis favorable water rental payments. Details about the water bank are included in Chapter 6 of this document.

Water right holders also have the opportunity to protect their rights by participating in the Snake River Basin Adjudication. The adjudication is an ongoing effort to verify water rights throughout the Snake River basin. The Little Salmon River basin is within the larger Snake River basin. The investigation of non-domestic claims in the Little Salmon Basin will occur in the years 2004 and 2005. This process will require some water right owners to assist IDWR with field verifications and may require historical documentation of water use. The resultant court-issued description of a right to divert the state's water is the strongest protection of the right.

The citizens group suggested several different ways to maintain control of water rights while not interfering with landowners' operations. It was suggested that a duty of water be listed, which is a reference to the amount of water that is allowed for specific water uses. It was also suggested that measuring devices be installed on all diversions basin-wide, and that regular measuring and reporting of diversions will help to protect valid water rights.

There was some concern that installation of measuring devices only sets the stage for others to "call" for water for endangered species protections downstream. The *Idaho State Water Plan* - Policy 1E - establishes that the "water resources of the state should be quantified and their uses should be measured." This is vital not only for planning optimum use, but also to administer water consistent with the Doctrine of Prior Appropriation. In order for any party, including the federal government, to make a "call" they must have a valid water right and show injury by a junior appropriator (some exceptions may occur under Endangered Species Act rules). Measuring devices do not increase risk from anyone's calls for additional flows for fish and wildlife. In fact, Idaho citizens are more vulnerable if they have no defensible flow data with which to make a case in defense of the existing uses. State water law calls for the measurement of water diverted for

beneficial use. This is an essential part of efficient water management.

Measurement of diversions is usually done only in water measurement districts or water districts where there is an active watermaster. At this time, there is one watermaster covering two active water districts in the basin: Big Creek (District 78A) and Goose Creek (District 78C). Regular and accurate measurement and documentation of diversions is the best way to protect valid water rights from injury. Water users in the Little Salmon River basin will have the opportunity to take these actions once the water rights have been verified through the Snake River Basin Adjudication.

Concern was expressed by a significant number of landowners in the basin regarding the need to "protect the right to continued use of all waters (streams, lakes, and springs) in the basin for wildlife and livestock watering" (Armacost [petition] 2001). *Idaho Code § 42-113* provides for instream livestock watering without a water right. This section further provides for diversion of up to 13,000 gallons per day (per diversion) to promote livestock watering away from streams and riparian areas. Water for wildlife is considered a non-consumptive water use but may be further protected through the Board's Minimum Stream Flow Program.

Concern was also expressed over the growing frequency of new property developments that are constructing ponds adjacent to streams and irrigation canals. Some residents felt their senior water rights could be harmed by these ponds. IDWR is aware of this issue and is currently forming clarifications, consistent with water allocation regulation and the current moratorium. See Section 4.2.2 - WATER ALLOCATION AND USE for more information.

Goal Statement

- To maintain state and/or local control of water rights and water resources. Policy 1A of the *Idaho State Water Plan*, Part A, states:

  > "…the state has sovereignty over decisions affecting the development and use of its water resources, and that the state opposes any attempt by the federal government, its management agencies, any other state, or any other entity to usurp the state's role in these areas."

Recommendations

The Idaho Water Resource Board makes the following recommendations for the protection of water uses and rights in the Little Salmon River basin in the public interest.

- The Board encourages water users to use the Board's water bank to ensure protection from forfeiture and efficient use of water rights in the basin.
- The Board encourages water right owners to prepare for the Snake River Basin Adjudication by documenting current and historic water use.
- The Board supports creation of a water measurement district in the Little Salmon River basin. After the Snake River Basin Adjudication process is complete and all water rights are decreed, the water measurement district should be converted into a water district.
- The Board recommends that IDWR establish policy regarding permitting requirements for small ponds, and actively investigate citizen complaints concerning construction and use of ponds not consistent with established policy.

ISSUE: Flood Management

The impetus for the *Little Salmon River Basin Comprehensive State Water Plan* was the flood of January 1997. The Board considered several options to meet the challenges of flood management and recurring landslides in the basin. These options were divided into two broad categories: structural modification and land

use alternatives. In addition to information regarding floods and landslides provided in this plan, a companion supplemental document entitled the *Little Salmon River Basin Comprehensive State Water Plan-Part B: Supplement - Flood and Landslide Management Information*, should be consulted to better understand this issue.

Structural Modification

Structural modification involves placing physical structures in or along waterways to change the hydraulics of a stream or river system. Examples are levees, berms, bank barbs, and water impoundment structures. Water impoundment structures, such as dams, can reduce flood flows by holding water back and then releasing it slowly over time.

A number of factors unique to the Little Salmon River basin make structural modifications, and dams in particular, impractical. The first factor is the hydrology of the basin. Because there are many tributary streams throughout the basin that cumulatively contribute significant flows to the Little Salmon River, any single tributary dam would provide minimal benefit in reducing flood flows in the Little Salmon River. Enlarging the storage capacity of existing facilities would have minimal downstream effects for the same reason.

The topography of the basin is the second factor that limits the usefulness of structural alternatives. Most of the tributaries have narrow, steep drainages, lacking economical storage reservoir sites. Erosion problems migrate up and down the stream with each construction project, often exacerbating the impacts of a high flow event. Finally, much of the damage caused during the winter of 1997 flood was due to land movement that dammed or redirected the courses of streams. Nearly all of the landslides that occurred were below the 5,000 foot elevation level, where the ground was not frozen, but had been saturated by earlier precipitation (Governor's Landslide Task Force 1997). Damages caused by the 1997 flood would not have been significantly lessened by flood management structures.

The third factor is centered on concern for endangered fish species in the basin. The presence of threatened or endangered species prevents any major alterations to flow regimes of the streams in the Little Salmon River basin, particularly for those streams located below the Little Salmon River Falls (near river mile 24.7).

Land Use Alternatives

Land use alternatives address the different ways land can be used, including wildlife habitat, agriculture, or housing subdivisions. Land use regulation was a contentious issue during public advisory group meetings, and recommendations that included restrictions on land use were not fully supported by the citizens group. Land use regulation also does not meet one of the stated goals in this plan: that of avoiding regulatory intervention. However, property owners can take voluntary steps to reduce the severity of flood and landslide impacts, to both their own property and their neighbors' properties.

Flood impacts can be decreased by allowing rivers and streams to function as dynamic systems. Land uses that preserve floodplains can help slow floodwaters and recharge ground water aquifers. Stable stream banks, low water temperatures, sediment retention, floodplain access, and diverse wildlife habitats are some of the benefits of functional stream systems. The added benefit of extending water storage times, enhancing water quality, and meeting beneficial use criteria will help avoid direct regulatory intervention into land and water use practices. Uplands should also be managed properly to reduce flood and landslide impacts. Poor watershed conditions leading to intense fires may open the way for noxious weed invasion, which in turn may decrease soil stability and worsen flood impacts. Yellow starthistle is one such weed that is gaining a foothold in watersheds surrounding the Little Salmon River basin.

There may be a fiscal impact when sites that are highly desirable remain undeveloped. Property taxes are lower on undeveloped

land, reducing the revenue available to local governments. Development is often located in floodplains because of the relatively level topography and the aesthetics associated with proximity to flowing streams. Leaving floodplains in an undeveloped state may restrict property owners' ability to enjoy these values.

Recommending appropriate land uses in hazardous areas was one alternative considered by the Board. Accurate delineation of floodplains is vital to locating appropriate development. The Federal Emergency Management Agency (FEMA) has completed the flood insurance studies and the 100-year flood plain Zone A maps for Adams County, Idaho County, and the City of Riggins (refer to the *Little Salmon River Basin CSWP-Part B: Supplement-Flood and Landslide Management Information*, Section 7.3, for details). Floodplain mapping by FEMA is funded from floodplain insurance premiums (and local dollars, if any). Idaho has very few policy holders relative to other more populous states, and therefore a smaller pool of funding resources. This funding shortage creates a formidable obstacle for starting new mapping projects and updating of old flood maps.

Land uses (whether regulated or not) should be carefully considered when located in geologically unstable areas. The Idaho Geological Survey is compiling a database of landslide-prone areas of the state. This type of information is site-specific and requires long-term study of considerable effort. While the Little Salmon River basin is a priority area, detailed data will not be available for some time. To provide basin landowners, local governments, and other groups with immediate information assistance regarding landslide-prone areas, the Idaho Water Resource Board has included a supplemental document to accompany this *Plan*. It aggregates all known landslide study maps into one, comprehensive family of maps (refer to the *Little Salmon River Basin CSWP-Part B: Supplement - Flood and Landslide Management Information*).

The Board considered several alternatives to manage floods without regulatory intervention. The citizens advisory group considered the inclusion of Proper Functioning Condition (PFC) in the Board's recommendations. There was considerable support for the PFC concept by the group, although some members asked the Board not to use PFC by name. Proper Functioning Condition is a term that describes both the physical conditions of a stream and the process that assesses that condition. Proper Functioning Condition assessments seek to determine a stream's physical capacity to withstand a 25 to 30-year flood event by analyzing the interaction of soils, topography, vegetation, and water. A low to moderate flood flow level, such as a 25 to 30-year event, has a probability of occurrence of less than four percent. Use of the PFC assessment process can help direct land use decisions that result in stable stream systems, which in turn will result in reduced damages from low to moderate flows. This reduction in damage to properties, to the stream systems, and to the state's resources would serve the public interest. Nevertheless, even streams in properly functioning condition can be damaged by 100-year flood events, and PFC methodologies recognize this openly.

Abandoned properties, including damaged homes and personal property, present an ongoing physical hazard and scenic-river eyesore along the Little Salmon, particularly on the Idaho County side of the Little Salmon River. The Board and citizens advisory group examined recommendations for cooperation to remove and rehabilitate hazardous debris on abandoned properties. Since the structures on the properties are no longer suitable for human habitation, it was proposed that these properties should be purchased by public entities, who would then use them as park space or river access points. However, each purchase option explored was rejected for lack of funding. The Idaho Department of Fish and Game has lease and purchase programs in order to enhance access, but funding levels cannot meet all needs. Another option researched was the Land and Water Conservation Fund,

which contributed almost $400,000 to the Idaho Department of Parks and Recreation (2001). Without action by the landowner, Idaho County, or the state, these abandoned properties will continue to present an eyesore and a hazard in the basin. Given the continued hazard to properties and resources in the basin, the Board feels that it is in the public interest to coordinate efforts to remove or stabilize dangerous debris.

Finally, the Board considered an alternative recommendation that U.S. Highway 95 be relocated out of the Little Salmon River canyon area. Financial considerations alone rule out this alternative. For example, repair work scheduled for the Smokey Boulder to Hazard Creek section of the Highway 95, a four-mile stretch, is projected to cost $14 million (Clark 1999). Construction of a new roadway is likely to have a higher cost per mile than repair work, precluding any realistic consideration of relocation of the highway.

In 1997, the state of Idaho moved funds from other areas of the budget in order to meet the financial demands of mitigating floods and landslides. In the future, the Water Resource Board may be a source of funding for mitigation and rehabilitation projects through its various funding programs. In order to use the Water Resource Board's funding programs for flood mitigation and stream channel rehabilitation projects, the language of the statutes that govern the use of those funds may require updating. State water policy 4H, articulated in Part A of the *Idaho State Water Plan*, recommends that the language that governs the use of funds in the Board's programs be broadened to include projects that would conserve, preserve, or restore the state's water and related resources. Currently, Board funds are only used for reclamation, upstream/offstream storage, aquifer recharge, reservoir site-acquisition, water supply, etc. (*Idaho Code § 42-1760*). Changes of this nature would allow the Board to fund a wider range of projects to protect waterways.

The *Idaho State Water Plan*, Part A, provides guidance for developing recommendations for the Little Salmon River basin. Policy 3I encourages reliance on management rather than structural alternatives in reducing or preventing flood damages. Policy 3E encourages the state to rehabilitate impacted stream channels where public safety may be threatened, or where the remedial costs are less than the potential damages. This policy is well suited to the Little Salmon River basin as the floods and landslides of 1997 destroyed U.S. Highway 95 in several places. The Idaho Transportation Department spent $2.5 million to repair Highway 95 (Governor's Landslide Task Force 1997, Idaho Transportation Department 1999a). These figures do not include the dollar value of private property damaged by floodwaters and landslides, or the economic impact of the disruption to transportation.

Goal Statements

- To address flood and landslide management in the Little Salmon River basin.
- To have effective regulatory intervention supported and endorsed by landowners.

Recommendations

The Idaho Water Resource Board makes the following recommendations to protect the public interest and meet the goals of flood management in the Little Salmon River basin:

- The Board supports efforts of landowners to maintain streams in a properly functioning condition so that non-structural damages from a 25 to 30-year flood event will be minimized.
- The Board supports efforts of the Idaho Geological Survey and other investigations to develop and collect information about landslide and erosion factors in the Little Salmon River basin that can be used in highway design, river management, and land use decisions.

- The Board supports conducting an expedited reconnaissance and feasibility study, and implementation of study recommendations through cost-sharing with the U. S. Army Corps of Engineers and others entities to be identified as a part of the study.
- The Board supports development of landslide hazard maps of critical areas by the Idaho Geological Survey (Governor's Landslide Task Force, July 1997).
- The Board supports conducting a detailed, FEMA approved, flood insurance study and development of detailed flood insurance rate maps.
- The Board encourages Adams and Idaho Counties, and the City of Riggins, to incorporate study results (such as results found in landslide hazard mapping and the detailed flood mapping) in their local flood and landslide damage prevention ordinances.
- The Board encourages the Idaho Transportation Department to plan highway and river protection projects that can be accomplished prior to or during future flood events.
- The Board encourages private landowners, local communities, counties, and the Idaho Bureau of Disaster Services to develop guidelines and research funding sources for coordinated removal of debris that is potentially hazardous to individuals, property, the community, or that which contributes to degradation of the stream.
- The Board requests that IDWR Stream Channel Protection Specialists facilitate discussions or educational efforts regarding work at or below the high water mark during routine and emergency situations.
- The Board encourages the local citizens to consider formation of a flood control district.
- The Board supports efforts by the NRCS and voluntary cooperators to install automated SNOTEL sites at lower elevations in the basin. Except for high elevation sites, no SNOTEL or similar data collection sites are located in the basin. Years of data collection at other locations have shown that low elevation sites can provide critically needed information in predicting flood events and soil moisture deficit.

ISSUE: Fisheries

State Water Policy 3D, stated in the *Idaho State Water Plan*, Part A, describes the state's support of the protection of the ecological viability of riparian habitat and wetlands as a matter of public interest. These areas are crucial to fish and wildlife, and are largely the responsibility of the private property owner or federal land management agencies.

The Little Salmon River basin supports an extremely important fishery. One alternative for helping to improve the basin's fisheries is to increase the amount of habitat for fish. The Board looked closely at one alternative in the Little Salmon River, that allows for fish passage at the "Falls." The Falls is an area of steep elevation drops below Round Valley Creek (near river mile 24.7, in Township 21N, Range 1E, Section 26) that prevent upstream fish passage. The citizens advisory group had much discussion on the appropriate actions, or if any were recommended at all, for the Falls. Some members of the group felt that fish passage should be enhanced at the Falls. Other members adamantly opposed this action. There is equal disagreement over whether anadromous fish were ever able to access streams above the natural barrier. Some long-time residents stated they had no memories of salmon in streams above the Falls. Other residents have different memories.

Regardless of the historical presence of anadromous fish above the Falls, there is no clear indication that removal of the Falls at this time will assist in recovering fish populations. Although the Northwest Power Planning Council recommended that removal of the Falls may be an opportunity

to strengthen the basin's fisheries, the Idaho Department of Fish and Game has not found adequate fish habitat above the Falls to justify removal or alteration at this time (Apperson 1999).

Other obstacles to improving conditions in the basin's fisheries pertain to regulatory intervention. Riparian landowners may be reluctant to create favorable conditions for species listed as endangered or threatened under the Endangered Species Act, given the penalties for harming or "taking" a listed species. Citizens advisory group members repeatedly expressed concerns about anticipated conflict over the use of private property. However, there are opportunities for willing landowners to assist in the maintenance of the basin's fisheries. Landowners can develop an approved Habitat Conservation Plan with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service. A detailed explanation of the Habitat Conservation Plan program is included in the AGENCIES AND PROGRAMS section in Chapter 6 of this document.

The citizens advisory group generated the idea that restoring the basin's fisheries will reduce the threat of calls for increased instream flow requirements under the Endangered Species Act. There are many opportunities available to landowners in the Little Salmon River basin to use the flexibility of existing programs to enhance the natural resources of the basin before rigid regulations become a reality. Technical and financial assistance is available through a number of agencies and the Nez Perce Tribe. These programs are explained in detail in the AGENCIES AND PROGRAMS section in Chapter 6 of this document.

Goal Statements

- To encourage improvement of the Little Salmon River basin's fisheries with consideration of water and land use practices.

Recommendations:

The Idaho Water Resource Board makes the following recommendations to assist in the effort to protect the public interest in the fisheries of the Little Salmon River basin.

- The Board supports the continued coordination of resident and anadromous fisheries management efforts between the Nez Perce Tribe, the state, and the federal government.
- The Board supports and encourages stream improvement activities that enhance the basin's fish habitat.
- The Board supports implementation of *Governor Batt's Bull Trout Conservation Plan* (Batt 1996).
- The Board encourages agencies to provide information to private landowners for improving fish habitat, and to respect private property, including water rights, when developing resident and anadromous fishery enhancement programs.

ISSUE: Coordinating Government Agencies and Data Availability

The citizens advisory group voiced concerns about their experiences during the flood and landslide events of January 1997. There were many government agencies involved, each with its own set of regulations and permit requirements. Others in the group expressed similar thoughts about government permitting processes of all kinds. The Board understands and shares the frustrations of the public.

There is always room for improvement in coordinating government permitting processes and for the dissemination of information and data. Several programs already in place provide opportunities to coordinate agency activities and permitting processes, including the Idaho OnePlan, the Model Watershed process, and flood control districts. Additionally, IDWR is working with the U.S. Army Corps of Engineers to develop a regional general permit to authorize certain types of minor construction

projects that meet the state's Stream Channel Alteration Permit requirements. In a move to reduce duplication of information gathering efforts and to further coordinate with Idaho's citizens, the Payette National Forest will incorporate portions of this comprehensive state water plan into their sub-basin assessment document. These and other coordinating efforts are discussed in the ORGANIZATION AND PLANNING DOCUMENTS section in Chapter 6 of this document.

Dispersal of information should also be an important part of studies that are conducted by public agencies and universities. Many data users, both inside and outside the basin, benefit when it is collected. Members of the citizens advisory group commented they were aware of data collection efforts by different agencies, but rarely saw the results. The public does not benefit in the management of natural resources when information is collected for internal agency use, or when information is difficult to use and access by others. These comments also reflected the difficulties of scientific inquiry. In order to make realistic conclusions, data are usually collected over a long period, in many different conditions, to account for variability that may or may not be important to the conclusions. Finally, data analysis is a process in itself that is subject to interpretation. Raw data (in other words, data lacking organization or interpretation) are usually of limited value to someone not familiar with data collection methods and techniques, study conditions, and interpretation methods.

Policy 1L of the *Idaho State Water Plan*, Part A, supports the establishment of an information distribution system for all water quality data. According to state (Idaho Public Records Law) and federal (Freedom of Information Act) laws, agencies (or entities under contract to collect data for an agency) are required to make data and information available upon request. However, agencies can take this process one step further by making the information available without the submission of any requests.

A central clearinghouse holds great promise to help to accomplish this goal. The Board asked the citizens advisory group if it would support the Little Salmon Watershed Alliance, Inc., as an organization that could help to fill this need. Participants could not support this idea. Nevertheless, an opportunity exists for residents of the basin to come together to provide a clearinghouse of information, and to coordinate resource management decisions and projects. Given that such a clearinghouse does not yet exist, a list of agency contacts can be found in Appendix C.

Goal Statements

- To make government permitting processes more efficient and effective for citizens.
- To make scientific data available throughout the Little Salmon River basin.

Recommendations:

The Idaho Water Resource Board makes the following recommendations for efficient and effective permitting processes and to make data available throughout the basin.

- The Board supports efforts by citizens and government agencies to establish a clearinghouse for storage and retrieval of information, data, and documents relating to the Little Salmon River basin.
- The Board encourages land managing agencies, regulatory agencies, and water users to cooperate in data collection and sharing efforts, including efforts to improve low-elevation snowpack information and watershed conditions, and to eliminate water quality data gaps critical to future TMDL development.
- The Board supports IDWR administration of stream channel alteration permitting that currently requires joint approvals from both the IDWR and the U.S. Army Corps of Engineers. Benefits to Little Salmon River basin landowners should be reduced processing time and paperwork

when seeking stream channel alteration permits. In addition, the Board supports a complete review of the U.S. Army Corps of Engineers Section 404 program to see if it would be in the state's best interest to develop a programmatic permit or to seek state primacy over the entire program. The programmatic permit could include expanded IDWR authority over intermittent and riparian areas along streams and stream channels, whereas primacy would give the state permitting authority over Section 404 permitting, including lakes, wetlands, and intermittent streams.

ISSUE: Water Quality

Part A of the *Idaho State Water Plan* provides guidance in developing recommendations specifically for the Little Salmon River basin. Policy 1L supports the protection of Idaho's waters from unreasonable contamination or deterioration in quality. The policy also supports the establishment of an information distribution system for all water quality data.

The Little Salmon River basin faces several water quality challenges. The Idaho Department of Environmental Quality (DEQ) has identified sediment, fecal coliform bacteria, and elevated temperatures as pollutants that are keeping the waters of the basin from meeting beneficial use criteria. Locally, residents have voiced concern over the potential for catastrophic forest fires to occur, and the resulting increases of ash and sediment loads to streams. Total Maximum Daily Loads (TMDLs), which will govern the amount of pollutants that are allowed into the waters of the basin, are scheduled for identification in 2004. Implementation plans will follow.

A particular concern is the increase in homes built on land not served by municipal water and/or sewer systems. Local residents and government agencies alike are concerned that the rate of growth may strip the ability of agencies to provide adequate review and oversight of household wastewater disposal systems. Improperly sited or installed septic systems may contribute pollutants to both ground and surface waters. These pollutants could threaten domestic drinking water supplies as well as introduce pollutants into the basin's streams and aquifers.

The appropriate District Public Health office, under authority of the DEQ, must approve new septic systems; Public Health District 2 covers the Idaho County portion of the basin and District 3 covers the remainder. The districts are currently implementing new procedures for septic systems located near "live" water sources. Appropriate site-specific designs will be required for all new septic systems (Gunderson 1999). In addition, homeowners must obtain a permit from the Idaho Department of Water Resources before constructing a new well. Coordination between the agencies is provided in their Rules and Regulations, and in the conditions of approval of permits. Cooperation between these two programs is vital to the protection of the quality of the basin's water supply, and consequently to the protection of the public interest.

Land and water users of the Little Salmon River basin are in a unique position. Enforcement of water quality laws has not yet been aggressively pursued in the basin. Land and water users can voluntarily implement practices that help meet the intent of the law. For example, access areas for recreationists or livestock can be protected against erosion. Septic systems and wells can be designed, sited, and built to minimize surface and ground water contamination. Roads can be constructed to reduce impacts on drainage patterns and subsequent failures. Timber stands now susceptible to high-intensity fire can be thinned.

Water quality data and their availability are also concerns of the citizens group. There has been very little data gathered in the basin. Many people expressed dismay at the possibility of mandated changes to land and water management practices based on data that was collected for short periods of time or in limited geographic locations. The

group made suggestions to the Water Resource Board that included requests for more publication of data, identification of data needs in the basin, and increased availability of information in general.

Up until recently, Idaho water law did not allow diversion of stock water from live streams to watering troughs unless the landowner held a permitted water right, but instream stockwater rights could be established simply by use of the water. This law was a disincentive for livestock owners who wanted to develop off-stream water facilities for water quality and related conservation purposes. A law recently passed now allows diversion of in-stream water to stock troughs under certain conditions (*Idaho Code § 42-113*).

Goal Statements

- To improve water quality where appropriate in the basin and encourage organizations such as the Natural Resources Conservation Service and conservation districts to provide cost-sharing incentives that target practices where water quality can be improved in a practical and cost effective manner.
- To avoid regulatory intervention in land and water use practices.
- To collect and coordinate additional scientific data and to make it available.

Recommendations:

The Idaho Water Resource Board recognizes that the quality of the water in the Little Salmon River basin is of utmost importance to the residents of the basin and the state. The following recommendations are intended to protect the public interest by supporting and guiding efforts to protect and enhance the quality of the state's water in the Little Salmon River basin. Separate recommendations, listed later in this section, address the concerns of data collection and availability:

- The Board supports the continued cooperation between the Public Health Districts, IDWR, and DEQ to ensure that future wells and septic systems are sited and constructed in a manner that will protect water quality.
- The Board supports the voluntary implementation of land and water use practices that protect and enhance water quality of both surface and ground water systems in the Little Salmon River basin. Land and water use protection and enhancement practices should involve neighbors, organizations, and agencies, and should include the entire basin (not focused entirely on the lower basin). Because of potential impacts catastrophic forest fires have on water quality, susceptible timber stands need immediate, silvicultural treatments.
- The Board supports cost-sharing programs for landowners interested in conversion to irrigation systems that provide water quality improvements to streams and benefits to landowners.

ISSUE: Recreation

Residents and visitors to the Little Salmon River basin participate in a variety of outdoor recreational opportunities, and many local businesses benefit economically as they serve the needs of the different user groups. As noted in Policy 1C of the *Idaho State Water Plan*, the Board believes recreational use of water resources is a beneficial, non-consumptive use.

The development of recreational opportunities must be balanced with the protection of private and public property. As roads are closed on public land to protect water quality, wildlife, and other resources, private property owners are feeling pressure to provide access to public lands as well as their private land. Landowners in the citizens advisory group told experiences of broken fences, livestock harassment, and trespass by the public. Members expressed frustrations over the perceived lack of enforcement and prosecution of trespass laws. Problems with access agreements with various agencies were also discussed. These problems make private property owners

more reluctant to offer recreationists access to the streams and rivers on their property.

Access to public lands must be balanced with resource protection and respect for private property. The public must respect private property by removing trash, limiting noise, and following landowners' instructions if landowner permission is given to travel over private land.

Trails on public lands are used by ranchers and recreationists, and provide access for forest management. The Interior Columbia Basin Ecosystem Management Project has identified over 1,100 places where trails cross streams on land managed by the U.S. Forest Service and U.S. Bureau of Land Management in the Little Salmon River basin (Interior Columbia Basin Ecosystem Management Project 1997). The federal agencies have experienced a decline in trail maintenance funds, which has meant that fewer culverts, bridges, and stream crossings are maintained. The results of decreased maintenance are seen as having negative impacts on water quality and fisheries. Proper trail grading, culvert and stream crossing maintenance, and trash collection can help to support the basin's fisheries and water quality.

An alternative supported by the citizens advisory group was voluntary assistance by the public in Forest Service trail maintenance programs. Given all the benefits to the basin, properly conducted trail maintenance activities serve the public interest.

Over the last decade, even a casual observer would recognize how float and power boating, salmon and steelhead fishing, and tourism have increased in visibility as part of the local economy. As discovered during the process of creating this comprehensive plan, some residents of the basin indicated that growth of these recreational activities are important substitutes for declining timber, mining, and ranching enterprises. Other residents, and at least one special interest group, expressed an opposite viewpoint.

Goal Statement

- To encourage the development of recreational opportunities in the basin.

Recommendations:

The Idaho Water Resource Board makes the following recommendations to meet the goal of increasing recreational opportunities in the Little Salmon River basin.

- The Board encourages the U.S. Forest Service to support volunteer programs to enhance recreation opportunities.
- The Board supports cooperation between recreationists and landowners to enhance quality recreation opportunities on the state's waterways while respecting private property.