

# ROSTER OF ATTENDANCE

DEER CREEK HEARING  
August 14, 2008  
DAVID TUTHILL, HEARING OFFICER

NAME	ADDRESS	REPRESENTING
Sandra Mitchell	P.O. Box 70001 Boise	J.B. Scott
Tony Scott	501 Baybrook Ct Boise	J.B. Scott
Art Seamans	2604 Seaport Dr - Lewiston	J.B. Scott
Robert Payde	3826 16 <sup>th</sup> St. Lewiston Idaho	J.B. Scott
Dennis Moyer	501 Baybrook Ct - Boise	Deer Creek LLC
Terry Goffe	199 N. Capital Blvd Boise	Deer Creek, LLC
Kevin Lewis	P.O. Box 633 Boise ID	Idaho Rivers United
Joe O'Neill	1 Butte Drive Cottonwood ID	BLM
Steph Connolly	1 Butte Dr Cottonwood ID	BLM
STEPHEN GOODSON	GOVERNOR'S OFFICE	
John A K Barker	21246 Ruelle Ave Lewiston, ID	

## EXHIBIT ROSTER FOR HEARING

Deer Creek  
August 14, 2008

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	STATUS OF EVIDENCE	
		INTRODUCED	ADMITTED
App 1	Aerial Photos of Beach Area	✓	✓
App 2	CD B Info	✓	✓
Prot 1	Cooperative Agreement	✓	✓
2	Aerial Photos of Beach Area	✓	✓
3	Photos of Beach Area	✓	✓
4	"	✓	✓
5	"	✓	✓
6	"	✓	✓
7	"	✓	✓
8	"	✓	✓
9	"	✓	✓
10	"	✓	✓
11	Testimony of John Barker	✓	✓
12	Statement of Allen Pinkham	✓	✓
13	Comments of John A.K. Barker	✓	✓

**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.

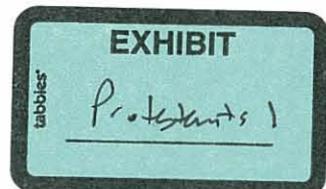
At any time the Department of Lands is capable of so doing, they may provide personnel to assist the Bureau of Land Management in patrolling the river.

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: Debra D. Van  
State Director

State of Idaho)  
County of Ada ) =

On this 26th day of November 1990, before me, the undersigned, notary public in and for the State of Idaho, personally appeared Debra D. Van 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.

Lucinda R. 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



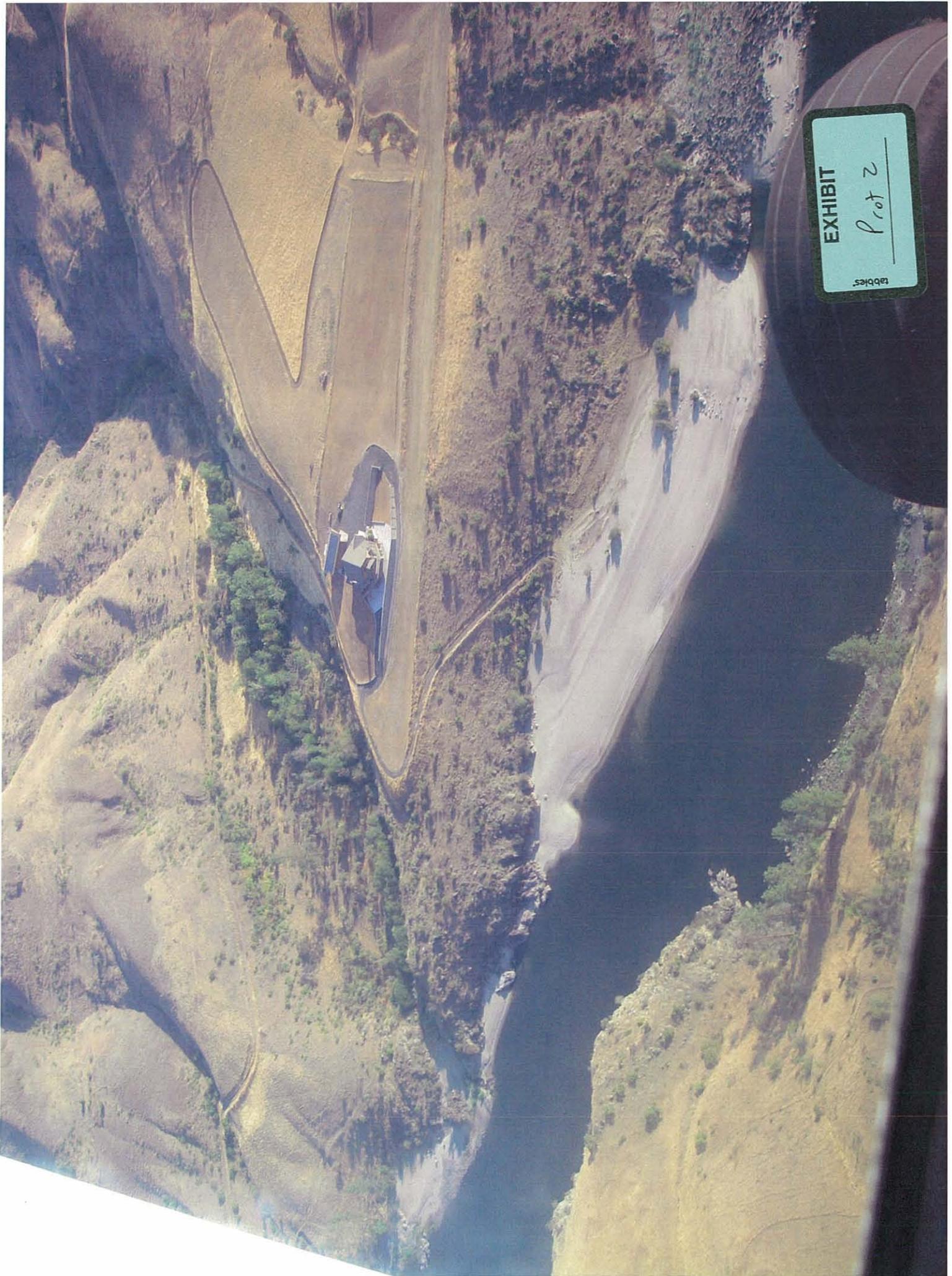
*Stanley F. Hamilton*  
Director, Department of Lands

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



tabbles  
EXHIBIT  
Prot 2

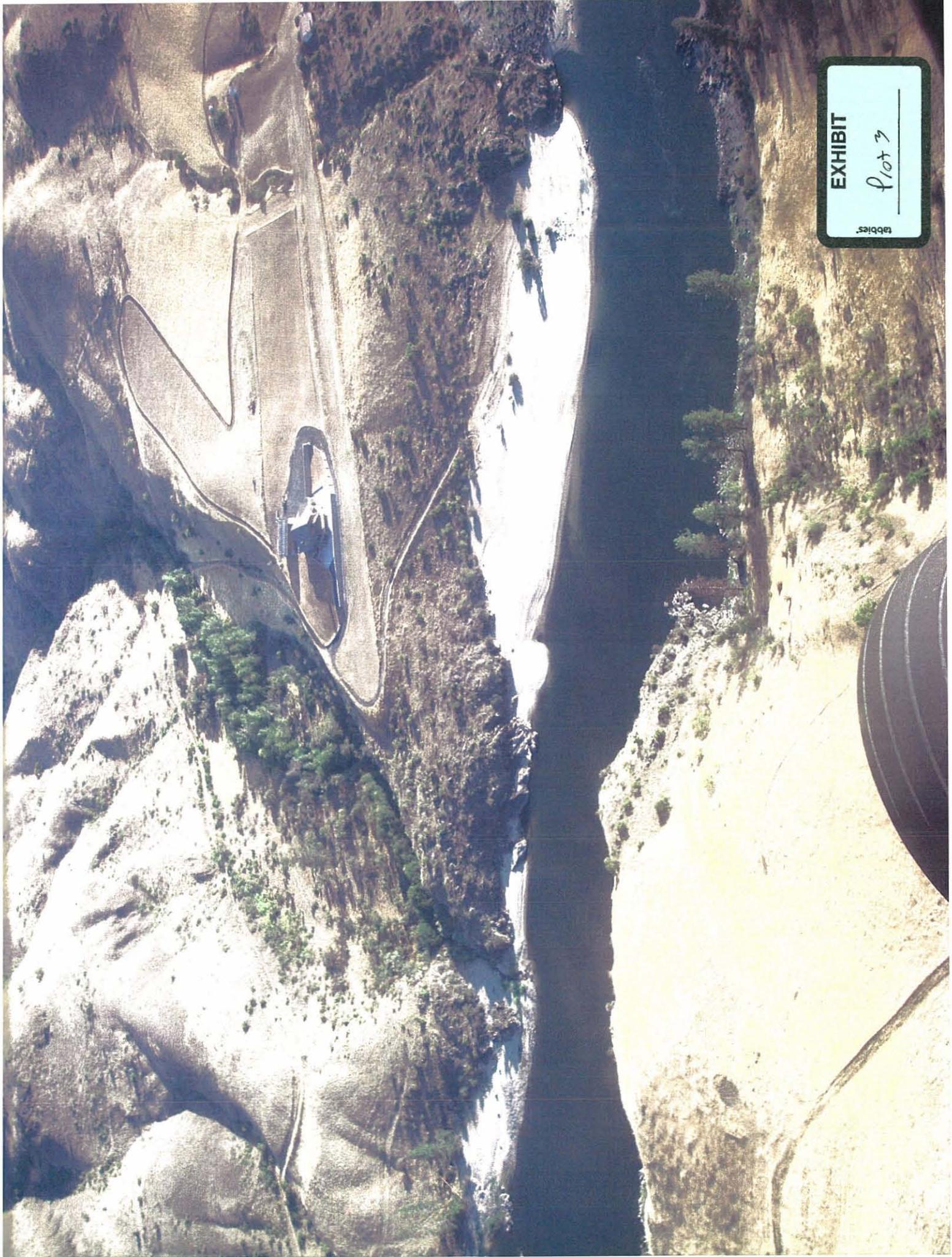


EXHIBIT  
Plot 3  
bbbles

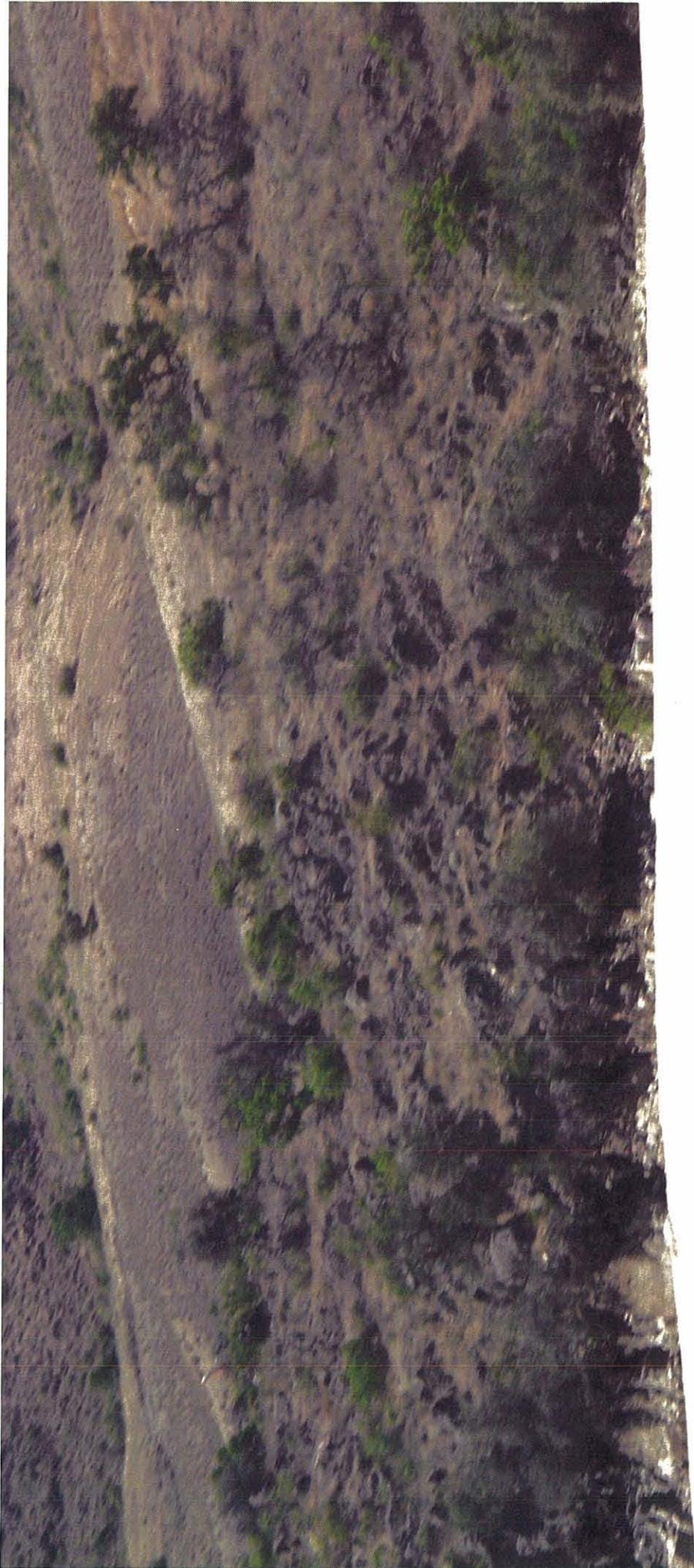


EXHIBIT  
Plot 4

bbles

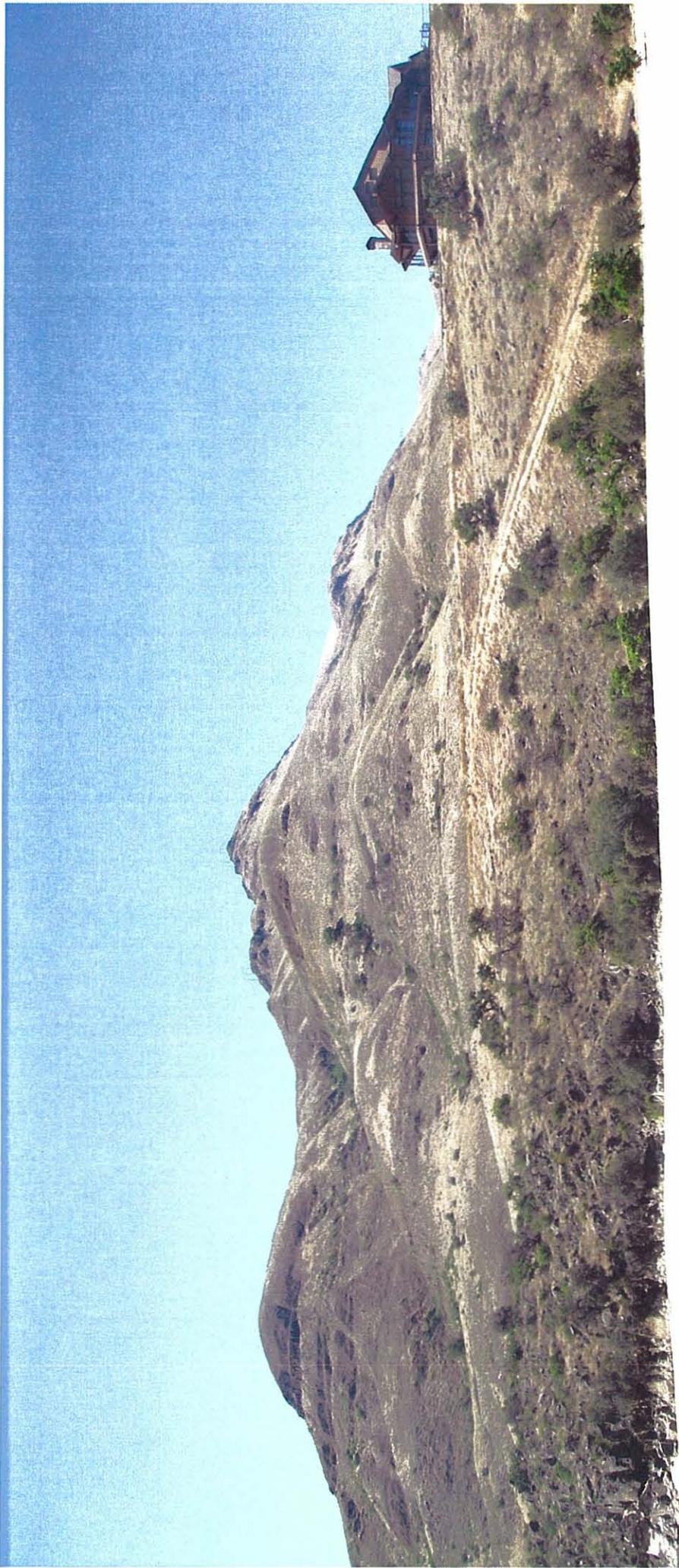


EXHIBIT  
Plot 5



EXHIBIT  
Plot 6  
labbes

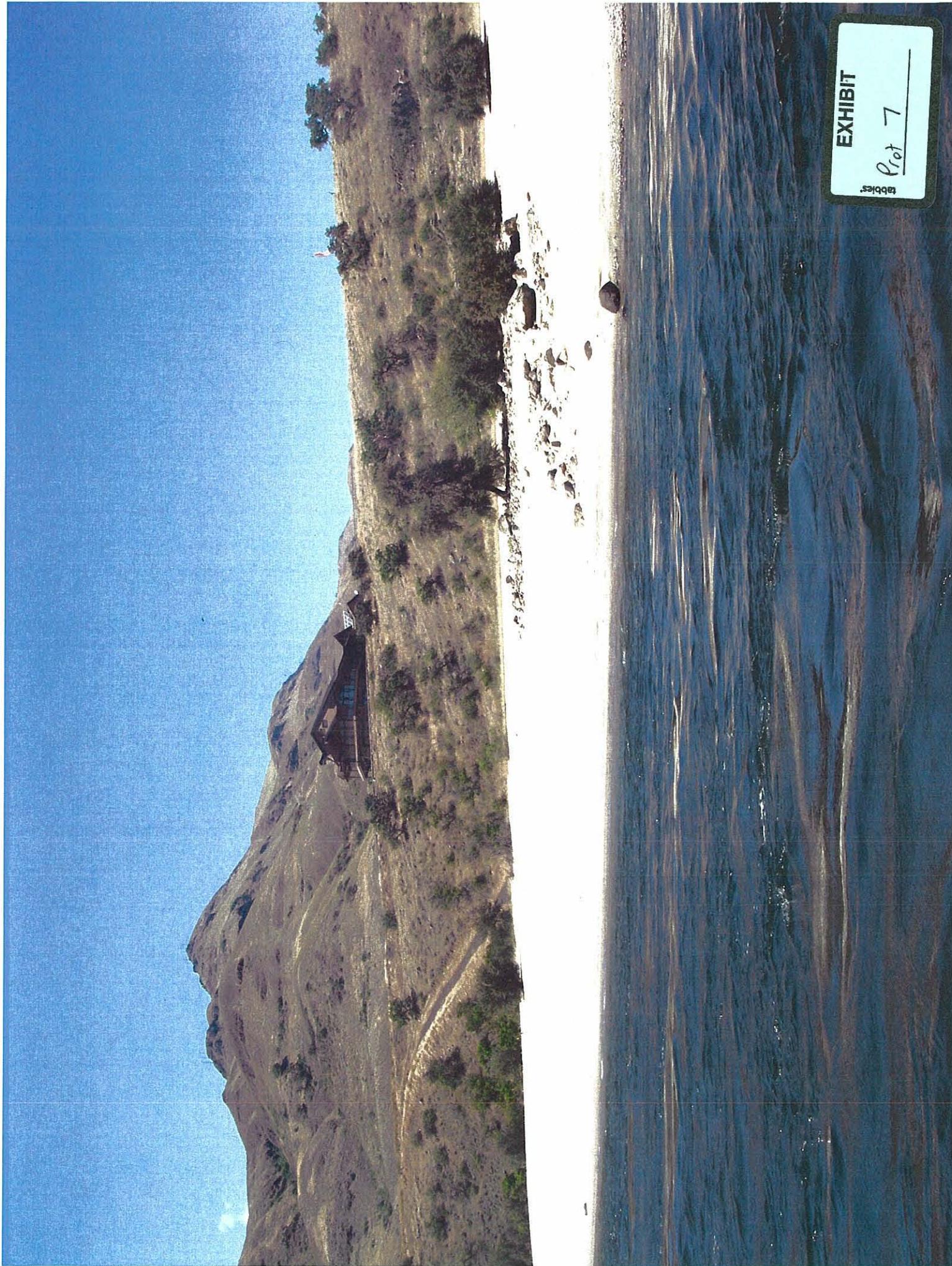
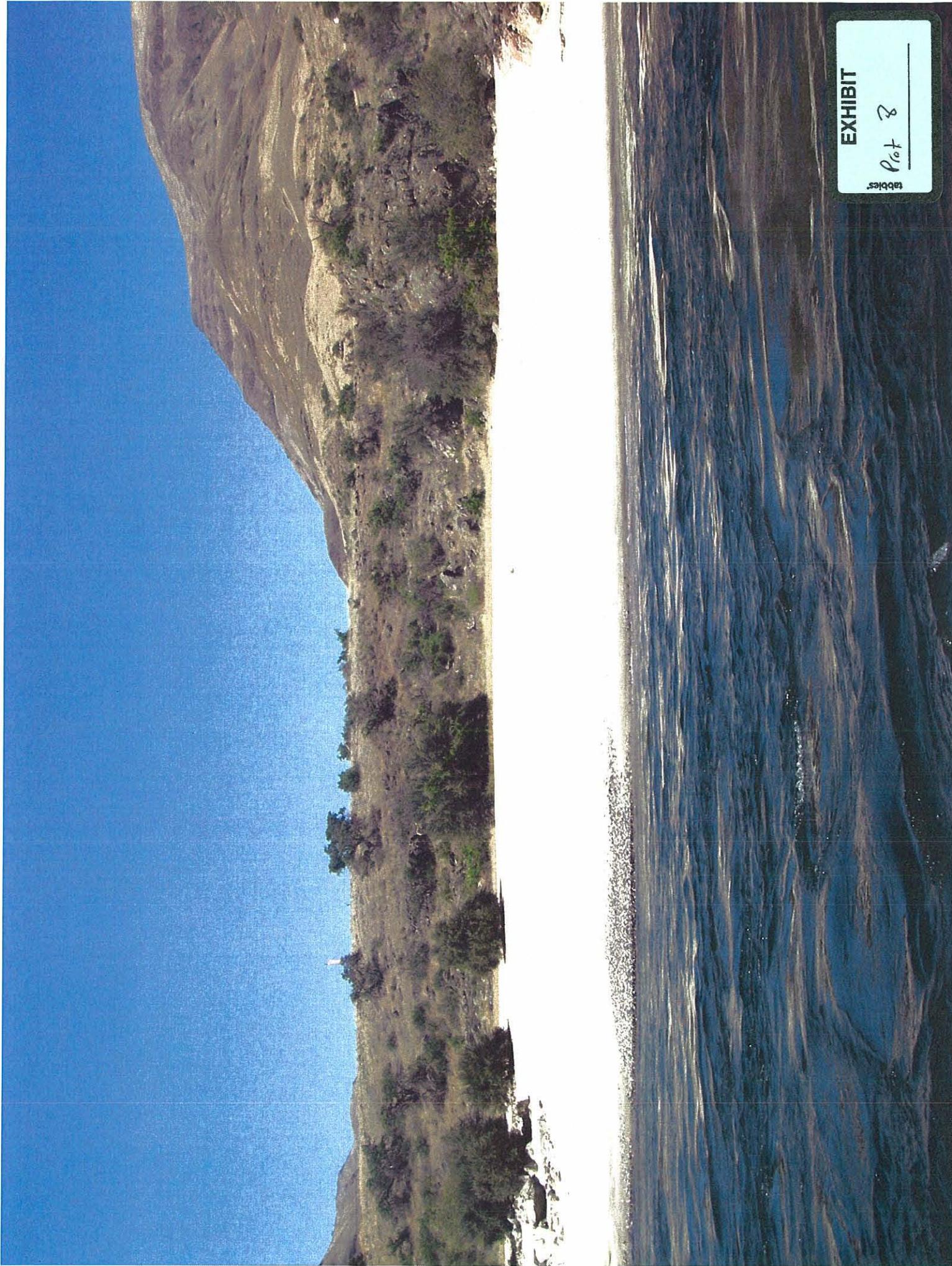


EXHIBIT  
Plot 7  
bbbles



tabbies  
EXHIBIT  
Plot 8

Picture #2

John A.K. SARGEN



Picture # 1 John A.K. Barker



EXHIBIT  
Prot 10  
Tables

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

From: cud1105@aol.com

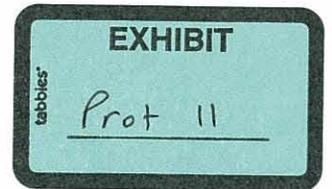
To: jbarker@lewiston.com

Sent: Mon, 11 Aug 2008 4:38 pm

Subject: Deer Creek Beach Dock

August 11, 2008

Mr. John Barker  
Lewiston, Idaho



Dear John,

I will be unable to attend the hearing related to the Joe Scott Deer Creek cabin property proposal to install a dock on the public beach below the cabin. I am writing with hope that you can convey my views to the hearing or submit this letter as part of your presentation.

I have camped on that very same beach many times over the past several decades, on both private and commercial river trips. The first time I remember camping there was in 1974. It is one of the largest and most beautiful beaches in the lower salmon, and it is a favorite of the public floaters and jet boaters.

If a dock is allowed to be placed there it will ruin the entire experience of public camping on the beach, just as has happened along the Snake River below the Salmon confluence on the Idaho side. Most people will think that it is a private beach and will stay away, or they simply will

not want ot camp next to a dock on a remote river trip. So far as I can tell, Mr. Scott is rarely at the cabin, and the placement of a dock there to discourage public use of a public asset would be a terrible mistake. Prior cabin owners there have used the beach for there jet boats just fine for many years, and Mr. Scott can do the same when he is at his cabin. He can use the beach now along with anyone else, and it is available to him and his guests for jet boat parking, just as it is available to anyone else. He will not be disadvantaged at all by not having a dock there. There is a road to his property that allows him to transport large items to his cabin, so he does not need a dock to move things in and out from his cabin.

Allowing a dock at the Deer Creek beach would also be a very bad precedent, because other folks who have cabins along the Lower Salmon would also want to have docks there.

Additionally, It is my understanding that the Lower Salmon is currently under study for future status, and no changes in use patterns should be allowed during that time.

Best regards,

Steve Cuddy  
1076 Cee Way Loop  
MCall, Idaho

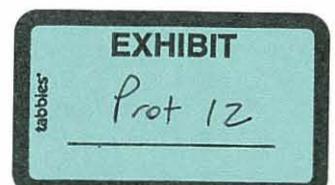
8-4-08  
Lenore, Idaho

To whom it may concern,

I am apposed to stream channel alteration permits No. 579-20016 on the Salmon River.

as a enrolled Nez Perce Tribal member I have reserved Treaty Rights in the Nez Perce Treaty with the United States of America of 1855. These rights include hunting, fishing and gathering in our ceded areas, which includes the Salmon River area.

Allen V. Pinkham, former tribal chairman  
32153 Pinkham Lane,  
Lenore, Idaho 83541  
phone 208-836-5707

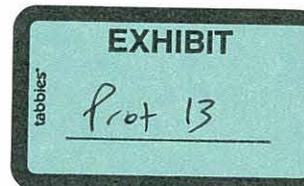


Comments for IDWR hearing on permit application  
Number S79-20016

My name is John A.K. Barker 2124 Grelle Avenue  
Lewiston, Idaho 83501. Thank you for the opportunity to  
comment today.

I am the President of Barker River Trips Inc. Barker River  
Trips has been a licensed and permitted outfitter on the  
lower Salmon River since 1974. I have been a licensed  
river guide on the lower Salmon River since 1972. I  
remember when the first lodge, at the location for this for  
this request was constructed. I knew outfitter Bob Gregg  
who constructed the original lodge at this location after his  
facility on the Snake River was washed away by the high  
water of 1973. I have known and observed the operations  
of every subsequent owner and have never seen any  
problem requiring a dock. For all these many years'  
property owners have successfully tied their boats up on the  
beach. A dock at this location may be a convenience for the  
applicant but it would be an inconvenience for every other  
river user. There is no reason for a permit to be issued that  
would encumber an overnight camping area for hundred's  
of other river users.

The beach is one of the prime locations for overnight  
camping by both private and outfitted public. A large beach  
of the type to be encumbered if this permit is issued is  
necessary for large groups that use the lower Salmon River.  
The limit on group size on the lower Salmon is 30 people.  
30 people need a lot of beach to spread out on. My



operation has camped there 4 times this season. I have two pictures to show you. Picture number one will give you an idea of both the beauty and size of the beach. Picture number 2 shows the kitchen set up in the location of the proposed dock. I have personally run the lower Salmon River in every month except January and February and see no problem that granting a dock permit would solve. Rather the issuance of a permit would leave the impression that the beach was “private” thus limiting public access.

It is my understanding that the State of Idaho lands below the high water mark on the lower Salmon River are managed through a MOU with the Idaho Department of Lands and the Bureau of Land Management Cottonwood Field office. No dock can be installed with out a system to anchor it to land. Is the horse before the cart here? I dock without substantial land anchors cannot de installed. I believe that any activity on land would require an archeology review and consultation with the Nez Perce Tribe. I would request that IDWR, IDL, and BLM begin consultation with the Nez Perce Tribe before issuance of any permit. I have attached a letter of opposition from former Nez Perce Tribal Chairman Allen Pinkham to my comments. Do I need to read it into the record or submit them with my written comments?

I also have a copy of an email from Steve Cuddy of 1076 Cee Way Loop McCall Idaho. Mr. Cuddy made comments in the original comment period and is unable to be here today. He asked that I provide you with additional comments. Do I need to read them into the record or submit them with my written comments? I want to again thank you

for the opportunity to express my feelings on this vital issue.

John A.K Barker  
8-13-2008



EXHIBIT  
Applicant A  
tabbles



