

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the
Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Application #: S 87964 Applicant's Name: Denny Doyle -City of Beaverton

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species? [690-33-330(1)]

☐ NO ☒ YES Species: spring and fall Chinook, winter steelhead (plus non-listed coho, cutthroat trout, Pacific lamprey, other native fish) Status: ☐ Sensitive ☒ Threatened ☐ Endangered

If YES, continue to question (2). If NO, you may comment by completing the public interest review sheet on the back of this page.

2) Stage or value at risk (check all that apply): ☐ Spawning, ☐ Incubation ☒ Rearing ☒ Passage ☒ Habitat Value

3) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the essential habitat of a SENSITIVE SPECIES? ☐ NO ☒ YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(b)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(a)]

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

☐ NO ☒ YES; recommend from Menu of Conditions and skip to question 7. Fishdiv33,wq,riparian
ODFW recommends that the water right be conditioned to allow diversion of water only when flows in the Willamette River either meet or exceeded ODFW's recommended minimum flows or the flows necessary to address TMDL needs as determined by DEQ during the seasons when those flows are higher than the ODFW recommended flows.

ODFW recommends the following minimum flows:

October - 5,630 cfs (or TMDL flow needs if they are higher)

November through March - 6,000 cfs

April 1 to 15 - 15,000 to 19,200 cfs

April 16 to 30 - 17,000 cfs

May - 15,000 cfs

June 1 to 15 - 12,600 cfs

June 16 to 30 - 8,500 cfs

July through September - 5,630 cfs (or TMDL flow needs if they are higher)

Flows should be met at the Salem gage.

See "ODFW's Division 315 Revised Evaluation of Fish Persistence for Municipal Extension, City of Salem Application # S-55010" (dated March 20, 2009) for justification of the Department's recommended minimum flows and an explanation of why the Willamette Biological Opinion flows are not being used for the fish persistence evaluation.

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species? ☐ NO ☒ YES [690-33-330(4)]

If YES, please explain: The City of Beaverton has applied for a water right to withdraw 33.7 cfs from the Willamette River near Wilsonville at approximately river mile 37. The Willamette River is used by several fish species that are Endangered Species Act (ESA) listed as state sensitive and/or federally threatened; fall and spring Chinook salmon and winter steelhead are state sensitive and federally threatened and coho below Willamette Falls are state endangered and federally threatened. Pacific lamprey and coastal cutthroat trout below Willamette Falls are state sensitive. All of these species use the Willamette River year-round to rear, migrate or spawn.

The Oregon Department of Fish and Wildlife has completed an analysis of the Willamette River under (ORS 537.230(2)(c) and 537.630(2)(c)) to determine what flows are needed to maintain the persistence of fish species listed as sensitive, threatened or endangered under state or federal law. Additionally, a biological opinion has been developed for the "Willamette River Basin Flood Control Project" by NOAA Fisheries (2008) to address the recovery of Threatened Winter Steelhead and Spring Chinook. The Department's recommendations are based on the Willamette River analysis and the Willamette Basin Biological Opinion.

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what conditions do you recommend? (select from Menu of Conditions) fishdiv33,wq, riparian

7) Your recommendation under OAR 690-033-0330 (2): ☒ Approval with conditions
☐ Approval without conditions
☐ Denial

ODFW Representative signature: _____ Date: _____

WRD Contact: *Sam W. McNeal* Caseworker: 11/03/14 Water Rights Division, 503-986-0900 / Fax 503-986-0901