

# 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 #: G 17595 Applicant's Name: Martin Merlau

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 Chinook Status:  Sensitive    Threatened    Endangered  
 Species: Bull Trout Status:  Sensitive    Threatened    Endangered  
 Species: Oregon Chub Status:  Sensitive    Threatened    Endangered  
 Species: Pacific Lamprey 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.

**wq:** Use should only occur when state and federal water quality standards are being met. DEQ shall be consulted on any potential detrimental impacts to water quality.

**riparian**

**b51a (November – June)** If interference with the McKenzie River is determined from this proposed use, ODFW recommends that this water right be conditioned to allow diversion of water only when flows in the lower McKenzie River either meet or exceed ODFW's recommended minimum flows established in "ODFW's Division 315 Fish Persistence Evaluation of Municipal Extension Eugene Water and Electric Board Application # S-35037" dated June 5, 2009. ODFW recommends maintaining a flow of at least 2,000 cfs year round to maintain the persistence of fish species listed as sensitive, threatened, or endangered under state or federal law.. Based on WRD's Water Availability Analysis, the recommended 2,000 cfs is currently not met July – October.

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:

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)

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

ODFW Representative signature: Jeffrey S. Ziller  Date: February 6, 2015

WRD Contact:   **Caseworker:** FRENCH, KIM R. 503-986-0816   Water Rights Division, 503-986-0900 / Fax 503-986-0901