

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 88363 Applicant's Name: FEIMER, RUDOLF, FEIMER, CAROLYN A.
88363

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: SONCC coho 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)]

The proposed use **will impair** biologically necessary flows for STE fish wholly or partially during the period of impact. To protect beneficial uses, ODFW recommends the instream water right be met or the use mitigated for prior to diversion of water.

The proposed use will reduce/degrade **essential** spawning, rearing, and/or migration habitat in the Chetco River that will result in depletion of a species if diminished.

The proposed use will reduce/degrade **important** habitat in the unnamed stream recognized as a contributor to sustaining populations over time.

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.

Available information shows flows within the impacted reach are currently wholly or partially below those essential to support the biological needs of STE fish and/or the proposed use will otherwise impact habitat. A further reduction in flow or alteration of habitat from the proposed water use will impair or be detrimental to STE fish and/or their habitat without appropriate mitigation. The proposed use may diminish physical habitat and alter the flow regime to which fish are naturally adapted, negatively impacting their distribution, productivity, and abundance.

To reduce impacts to instream values from the proposed human consumption use, ODFW recommends the following:

- 1) The permittee shall install, maintain, and operate fish screening consistent with current Oregon Department of Fish and Wildlife (ODFW) standards or submit documentation that ODFW has determined fish screening is not necessary. Fish screening is to prevent fish from entering the proposed diversion. The required screen is to be in place, functional, and approved in writing by ODFW prior to diversion of water. The water user shall operate and maintain the fish screen consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly. The permittee is hereby directed to schedule a consultation with an ODFW Fish Screening Coordinator.
- 2) As required by ORS 509.585, the permittee shall not construct, operate, or maintain any dam or artificial obstruction to fish passage across any waters of this state that are inhabited, or were historically inhabited, by native migratory fish without obtaining approval from the Oregon Department of Fish and Wildlife (ODFW). The permittee shall either submit a proposal for fish passage to ODFW, apply for a waiver or exemption, or

submit documentation that ODFW has determined fish passage is not necessary. Approval of the proposed fish passage facility, waiver, or exemption must be obtained from the department prior to construction of any in-channel obstruction or prior to diversion of water that may create an artificial obstruction due to low flow. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of native migratory fish at all times (ORS 509.601) as per the approved plan, waiver, or exemption. If ODFW determines adequate passage of native migratory fish is not being provided, and is unsuccessful in working with the water user to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that adequate fish passage is being provided. The permittee is hereby directed to schedule a consultation with an ODFW Fish Passage Coordinator.

3) **wq**

4) **riparian**; ODFW recommends the riparian area of the unnamed stream and the Chetco River on the applicant's property be improved as a means to reduce impacts to instream values. ODFW recommends a Riparian Planting Plan be submitted to and approved by ODFW. The permittee is hereby directed to schedule a consultation with the local ODFW District Fish Biologist for assistance in developing the Riparian Planting Plan.

5) **b57**; In addition to a totalizing flow meter, ODFW recommends a restrictor valve be installed and maintained in good working order on the delivery system that limits the use to the permitted rate.

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: Todd Confer Date: 4/21/17

WRD Contact: **Caseworker:** Scott Grew Water Rights Division, 503-986-0900 / Fax 503-986-0901

ODFW PUBLIC INTEREST REVIEW SHEET

Application #: S 88363 Applicant's Name: FEIMER, RUDOLF, FEIMER, CAROLYN A.

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO (Sign form and return)

YES Species: Fall Chinook, winter steelhead, Coastal cutthroat trout

Other:

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

2) Will the proposed use result in a loss of habitat? NO YES

Please see comments on the **ODFW DIVISION 33 APPLICATION REVIEW SHEET** for S-88363.

3) Can conditions be applied to mitigate the impact to the loss of habitat?

NO

YES; recommend from Menu of Conditions and skip to question 6.

Please see comments on the **ODFW DIVISION 33 APPLICATION REVIEW SHEET** for S-88363.

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species? NO YES

If YES, please explain:

5) 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)

6) Your recommendation: Approval with conditions

Approval without conditions

Denial



ODFW Representative signature: Todd Confer Date: 4/21/17

WRD Contact: Caseworker: Scott Grew Water Rights Division, 503-986-0900 / Fax 503-986-0901