

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-87192 Applicant's Name: LOW CREEK BAND OF UMPQUA TRIBE OF INDIANS

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: CUTTFOOT, STEELHEAD, COHO, Umpqua Chin, 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; skip to question 6. YES

Which conditions are recommended? (select from Menu of Conditions) Fish Div 33, b51a Nov 1
through June 30 as stated in OWED Preliminary Analysis. b57, b58
WATER RIGHTS CAN BE EXERCISED AFTER THE INSTREAM WATER RIGHTS ARE MET.

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: [Signature] Date: 10/8/08

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