

Water Rights Mitigation: Good For Fish And People?

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Washington
Department of
**FISH and
WILDLIFE**

What Is WDFW's Role?

RCW 77.57.020 Review of permit applications to divert or store water — Water flow policy.

It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director notice of each application for a permit to divert or store water. The director has thirty days after receiving the notice to state his or her objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director of ecology, issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.



What Is WDFW's Role?

Advisory

Mitigation

- Compensation for impacts created by a new water diversion, withdrawal, or use.

Water for Water (In-Kind)

- Is the water right valid and transferrable?
- Can the water be protected instream to the new POD?
- What are the plans for the former Place of Use?

Out of Kind Mitigation

- **Must improve aquatic habitat.**
- **Must be in perpetuity.**
- **Must come with a water component.**

Packaged Mitigation & Mitigation Banks

- Works best in regulated watersheds with an adopted plan.
- Needs local buy-in and public involvement.
- Must meet the specific needs of the watershed and its users.



Mitigation must improve and protect aquatic habitat at a ratio greater than the proposed impact.

Contact

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