



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

November 30, 2009

Jeff Tayer
WA Dept. of Fish & Wildlife Region 3
1701 S 24th Avenue
Yakima WA 98902-5720

RE: Consultation on Beaver Storage and Issuance of New Columbia River Permits

Dear Mr. Tayer:

By this letter, the Office of Columbia River (OCR) is requesting consultation on whether new permits from the Columbia River can be issued based on water supply developed through introduction of beaver in tributary watersheds.

Background

In 2008, OCR funded The Lands Council¹³ with a \$30,000 grant¹⁴ to study the feasibility of introduction of beaver in tributaries of the Columbia River as a natural alternative to man-made storage dams. That study, currently under review, compiles significant evidence supporting the ability of beaver dams to store water in surface impoundments and associated aquifer systems. In 2009, The Lands Council applied for \$50,000 for a 50% grant to introduce beaver in 5 tributaries, and identified several landowners willing to participate in a beaver introduction pilot program. Those landowners are in WRIA's 54, 55, 59, and 60. They will gather empirical evidence on the amount of water stored and the retiming of stream flows. OCR is considering funding this pilot project and will make a funding decision in January 2010.

Requirements of the Columbia River Program

The Columbia River Program has several statutory mandates regarding stored water behind man-made dams, which could be applicable to natural storage as well.

First, 2/3rds of the water stored must be allocated by OCR to out-of-stream uses (e.g. new water rights)¹⁵. In this pilot case, The Lands Council projects that approximately 250 acre-feet of water will be stored among 5 pilot sites. 2/3rds of that 250 acre-feet, approximately 165 acre-feet of water, would be made allocated as new water rights.

¹³ <http://www.landsCouncil.org/beaversolution/>.

¹⁴ <http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/grants/map/landscouncil.pdf>.

¹⁵ See RCW 90.90.020.



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Second, 1/3rd of the water stored must be allocated by OCR to instream uses. RCW 90.90.020 requires OCR to coordinate the timing of releases with the department of fish and wildlife and fisheries comanagers to maximize benefits to salmon and steelhead populations. In this case, although natural storage cannot be managed in the same manner as man-made storage, The Lands Council predicts that water stored in the winter and spring would be slowly released throughout the summer months, which will benefit salmon and steelhead. Tributaries to the Columbia River would benefit from the retiming of the entire 250 acre-feet of water and the Columbia River would benefit from the 1/3rd of the 250 acre-feet (85 acre-feet) dedicated for fisheries.

Third, before issuing new water rights from the Columbia River, under WAC 173-563-020(4), consultation is required.

Any water right application considered for approval or denial after July 27, 1997 will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.

Before OCR commits any additional funding to the Lands Council for this project, we are consulting with fisheries interests to determine whether natural storage by beavers can fit under our program. Our question: if 250 acre-feet of water is demonstrably stored through the pilot project, could Ecology issue 165 acre-feet in new uninterruptible Columbia River permits? OCR seeks your opinion and comments on this concept through January 4, 2009. Please provide written or email comments to:

Dan Haller, Office of Columbia River
15 W. Yakima Ave., Ste 200
Yakima, WA 98902-3452
dhal461@ecy.wa.gov

If you have questions on this project, please feel free to contact:

- Dan Haller, Office of Columbia River at (509) 454-4255
- Mike Peterson, The Lands Council at (509) 838-4912, mpetersen@landscouncil.org.
- Derek Sandison, Office of Columbia River at (509) 457-7120

Thanks in advance for your comments.

Sincerely,



Derek I. Sandison, Director
Office of Columbia River