

Washington Department of Fish and Wildlife (Jeff Dengel)

Re: WDFW Comments on draft Consumptive and Non-consumptive Water Use Policy and Interpretive Statement.

The Washington Department of Fish and Wildlife appreciates the opportunity to comment on the draft Consumptive and Non-consumptive Water Use Policy and Interpretive Statement (Interpretive Statement) which expands upon the definition of consumptive and non-consumptive water use as defined in WAC 173-500-050.

Section 2: Consumptive Use of Surface and Groundwater

The term diminishment is used through this document, but the definition is removed from the previous policy. A definition would add clarity, and the definition provided during the WRAC presentation was very helpful.

Section 3: Non-consumptive Water Use, Surface Water

Run-of-the-river hydropower generally refers to systems that do not impound reservoirs and is less associated with whether water is diverted or not (e.g., <https://www.bia.gov/bia/ots/demd/renewable-energy/hydropower>).

"Water use can be classified as non-consumptive when water is diverted and returned to a lake, reservoir, or Columbia River pool system from which it is diverted and the source water elevation is not affected by the diversion."

Impacts to the surface elevation of waterbodies may be difficult, if not impossible, to be accurately measured with precision. In reservoirs, pools, or lakes diversions may remove significant volumes of flow without detection by modern instrumentation. Through time, cumulative diversions at or below this measurement threshold can result in additive and prolonged diminishment of the source. We point this out because it seems to set a different standard than the prohibition on even de minimis impacts to other water sources.