

# **Exhibit D**

## **Public Correspondence received as of November 19, 2012**

**Public Meeting Comments/Questions  
November 8, 2012  
Lakeside, OR**

**Public Meeting Comments/Questions  
November 13, 2012  
Coquille, OR**

**Roxann B Borisch**

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**Subject:** ODFW holds public meetings on proposed Eel Lake/Coquille Valley land exchange

**From:** Wendell [mailto:scioha@frontier.com]

**Sent:** Friday, November 02, 2012 9:05 PM

**To:** undisclosed-recipients

**Subject:** Fwd: ODFW holds public meetings on proposed Eel Lake/Coquille Valley land exchange

ARE WE GOING TO BE ABLE TO HUNT THESE LANDS WITHOUT ANY LOSS TO HUNTERS?-----  
---WENDELL

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### **DFW holds public meetings on proposed Eel Lake/Coquille Valley land exchange**



**Oregon Department of Fish and Wildlife**

### **DFW holds public meetings on proposed Eel Lake/Coquille Valley land exchange**

November 1, 2012

ROSEBURG, Ore. – The public is invited to attend one of two meetings in Coos County to learn more about the Eel Lake/Coquille Valley land trade. Meetings are scheduled for 6pm – 8pm in Lakeside on Nov. 8 and Coquille on Nov. 13.

The Oregon Department of Fish and Wildlife will present information, answer questions and take comments. The Lakeside meeting will be held at Osprey Point RV and Resort, 1050 North Lake Road. The Coquille meeting will be at the Coquille High School's library, 499 W. Central Ave., Coquille.

ODFW and Bandon Biota, LLC have agreed to exchange 607 acres of property the agency owns at Eel Lake for approximately 510 acres of wetlands in the Coquille Valley. Agreements are in place to protect the Eel Lake watershed and the city of Lakeside's water supply. ODFW will work to restore wetlands in the Winter Lake and Beaver Slough areas to provide habitat for native fish and wildlife.

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**Coquille Valley/Eel Lake Land Exchange**  
Public Meeting Comments/Questions  
Lakeside OR  
November 08, 2012

**Staff answered the following questions during the meeting:**

- Has the land trade agreement been signed?
- The map handed out (at this meeting by someone other than ODFW) that indicates the Eel Lake buffer is not correct.
- When will the buffer easement agreement be signed with the Lakeside Waterboard?
- The negotiations for this trade have been proceeding for 4 yrs. The process might not be in the stage it is now if the public had been better informed much earlier.
- Are the water rights on the properties that are being traded protected. Will there be impacts on the neighbor's water rights?
- What happens to the buffer around Eel Lake if the land trade is not approved by the Commission
- Will ODFW get the monetary value for the timber on the Eel Lake lands?
- When Bandon Dunes purchased the Winter Lake properties I thought that the lands were purchased for mitigation?
- If the land trade is not approved will the Eel Lake buffer remain in place?
- Will ODFW find another opportunity to exchange lands with a party who demands to log the buffer to the ODF minimums if this land trade does not occur?
- ODFW should have put a hatchery at Eel Lake to produce cutthroat, fall Chinook, and other fish?
- Can the lands on the Eel Lake property outside the buffer be logged? And how will this affect water quality?
- Would there be a benefit for the Lakeside residents to write to the ODFW Commission supporting the land trade?
- What guarantee does the Lakeside community have that there will be no structures around Eel Lake?
- If the ODFW Commission votes to not approve the land trade is the project dead?
- Is the ODFW Commission meeting on December 6?
- Is there a time limit on testimony?

**Questions requiring additional information:**

- What is the appraised value of all the properties involved in the trade?

**Comments:**

- The buffer on the ODFW lands at Eel Lake are much wider than the Oregon Dept. of Forestry rules require, which is a win-win for the Eel Lake water quality and the parties involved in the land trade.
- The concern is that the buffer remains intact in perpetuity.

-One thing important with ODFW completing this type of project is that the ODFW process allows for feedback through legislators, the ODFW Commission, etc. unlike the federal process, which moves forward with limited ability to have input.

-Now that the elections are over, I am highly supportive of ODFW's efforts to move forward with this project.

- This project is a win-win for the community.

**Coquille Valley Fish/Eel Lake Land Exchange**  
Public Meeting Comments/Questions  
Coquille, OR  
November 13<sup>th</sup> 2012

**Staff answered the following questions during the meeting:**

- What is the age of the timber on the Eel Lake lands?
- Why is the commission meeting in Portland? It seems like you planned to make this meeting difficult for the local people from the Coquille Valley to attend.
- Will some of our hunting dollars potentially be able to be used for the restoration?
- Would the tidegates have sufficient size to allow enough water to enter the restoration area in order to bring in coho (pre-smolts/smolts)? Will there be enough water exchange to prevent the water in the restoration area during the summer from becoming too warm? Will the Muted Tidal Regulators allow sufficient water in the restoration area to make the habitat desirable?
- How did Garden Valley folks get so "hysterical?" Why was there not outreach to inform the Garden Valley landowners the project would not flood them out?
- Have you worked up a budget for this project (restoration budget)? It is a pretty ambitious project and you have noted a large number of commitments. Have you made an estimate of how much the entire project will cost (tidegates included)?
- How wide is the buffer around Eel Lake?
- Concerning the Beaver Creek wetland..... Can anyone do anything with it now? Are there any restrictions if this trade occurs concerning whether there can be development on the shoreline of Eel Lake?
- Will there be a restriction on the ability to access Eel Lake or construct boat docks?
- Three tidegates are proposed..... will ODFW pay for these tidegates?
- Is there any money for monitoring even if a land swap doesn't happen? You should not be asking the public to accept your information prior to obtaining data. The data doesn't match what your are trying to do.
- We've been asking for hydrology reports for 2 years. Winter Lake will look like Beaver Slough if it is planted and managed in the manner that ODFW is proposing. Beaver Slough is a "dead zone."
- What will you do when your tide control structure has a problem? When the tide comes in and the tidegate is broken what will you do?
- Make sure you put all the information collected tonight where they are available for all to see.
- The USFWS spent over 15 million dollars on the Bandon Marsh restoration project. Roy Lowe has been meeting with the Port of Bandon in order to continue to expand the Bandon Marsh. We currently are unable to dredge, fix infrastructure, ODFW on the other hand will give people answers and work with the public to make this a good project.
- Assuming this project moves forward, will ODFW make every effort to use local contractors? There are people here in the local community that can do the work. Local craftsman are able to complete the work including construction of the new tidegates.
- Is ODFW placing dikes on the Winter Lake property? You have previously indicated that the agency would.-
- Will dikes that will be put up be funded from another source of money..... the drainage district?
- What can you do to enhance fish and wildlife on the property with the existing tidegate system?

### Questions requiring additional information:

- What will the water moving off of the proposed project area (due to tidal influence) do to the river levels?

### Comments:

-It is most likely that the new landowner will clear cut the timber. This would result in a tradeoff where habitats that may in the future be useable by murrelets will be destroyed in order to obtain the Winter Lake properties.

-Your presentation indicates that there is only 800 acres of wetlands remaining in the Coquille River valley. This is incorrect, there are a number of locations where small wetlands exist that were not accounted for.

-The Eel Lake property was bought to protect Eel Lake. The new system of tidegates that have been proposed will not benefit fish. I do not see the benefit.

-You can go to the Coos County assessor's website and observe the buffer strip around Eel Lake.

-The property at Eel Lake that is proposed to be traded is worth over 3 million dollars. ODFW has not been transparent. The agency is going back on their word to protect Eel Lake. There is a study from Washington that indicates Muted Tidal Regulator tidegates are not beneficial for fish. ODFW has not provided any written assurances to the local people. This proposed project looks like robbery to the coffers.

-I am "for" the land trade, but there is no baseline data for Winter Lake. We don't have any information on fish use, water temperatures, or wildlife use.

-There will still be drainage from the logging outside the buffers.

-I'm excited about the duck hunting that might be available at Winter Lake. Bandon Biota would be able to log lands around Eel Lake, but would retain the buffer strip that would protect water quality.

-When a county commissioner makes a comment indicating that 3 landowners will be flooded in Garden Valley I would appreciate individuals from the general public not referring to the Garden Valley landowners for being hysterical for having concerns about being flooded.

-This project will assist to benefit the Coquille River in regards to climate change, but needs to be balanced with the loss of trees at Eel Lake.

-The landowners in Garden Valley were not hysterical. They need a promise in writing from ODFW that they will not be flooded. ODFW needs to put things in writing concerning when the project will occur, where the project will occur, and how the project will occur.

-I was at the U.S. Fish and Wildlife Service meeting discussing the expansion of the Bandon Marsh where we were threatened. The USFWS threatened us and had staff with guns. I applaud ODFW for what they are doing. ODFW has a process that allows for feedback. ODFW is 180 degrees from the USFWS. ODFW does the right things and follows through for the most part with projects that are win-win.

-I'm a swimmer and utilize Eel Lake. I have an intimate relationship (understanding) of the water quality of Eel Lake. I think you have not done your homework on Eel Lake. I think this trade is a mistake.

a. The economic value of Eel Lake has not been fully assessed. Eel Lake may turn into Tenmile with poor water quality if the land exchange occurs.

b. You have not given the STEP group appropriate consideration at Eel Lake.

c. There are already issues with sediment coming into Eel Lake from logging upstream. I'm afraid for Lakeside's water quality. Eel Lake is the last clear lake along the Oregon coast.

d. The lands around Eel Lake are too steep to be able to be made into a golf course

e. Eel Lake and all the lands adjacent to the lake should be turned into a state park.

f. Logging should not occur on slopes that are 40%. Not even on 5% slopes.

- g. Buffer strip around Eel Lake should be wider.
- If fish originate in the estuary tidegates work for fish. If fish originate in the river upstream of the tidegates then they don't work for allowing fish access.
- One of the economic values that you have not brought up is the agricultural benefits of the land..... If you are going to flood the property and plant trees you are going to eliminate grazing. This project has been sold on the basis of reconnecting China Creek to its historical channel. You say you're going to reconnect 10 miles of channel. Be honest about what you are going to do. Where is the science that shows 10 miles of channel?
- I disagree with some points. You don't have any data on fish use. Coho come in through tidegates or over the natural river levees. The lands that you are proposing to trade for are already wetland and you are presenting your information suggesting that they are not. What percentage of coho come in through the tidegate.... you don't know the answer to this do you? How many come over the river levee? I advocate that there is monitoring before the project starts.
- This project has been 3 yrs. in the making. Why can't the ODFW commission meet here locally. I think it would be a lot better if the commission meeting was in Coquille.
- The people of Garden Valley need an exact number concerning the elevation that water on the restoration area will be allowed to reach. I don't think your statement in your presentation that you will not negatively affect the adjacent landowners adequately addresses the Garden Valley residents concerns. Additionally, coho salmon can become entrapped in ponds. You stated that you will be creating several ponds. These will strand fish and violates NOAA ESA regulations.
- ODFW doesn't know what's going on in the Winter Lake habitats. The agency needs to set screw traps and not make wild estimates from Nicholson's paper.
- I'm in favor of the trade, where's the science that shows the old channels?
- I'm okay with your going ahead with the land trade.
- There is a distinct difference comparing ODFW to the USFWS. We have just finished the election where 70 percent of individuals in Coos County opposed wetlands. The USFWS has just unveiled expanded plans to now include 154 properties in their Bandon Marsh expansion. The USFWS has done nothing to provide information to the public/local people. Roy Lowe with the USFWS has stated that they are pushing back the public meeting that was planned for November. There are consequences for these types of projects. We need people not fish and wildlife to bring in money and purchase our products. We need to consider the potential negative impacts of these types of projects. The U.S. Army Corps of Engineers drained these wetlands historically that were malaria swamps. There will be negative consequences of increased mosquitoes. What can ODFW do to ease the hysteria over the concern that 15,000 acres of productive land will be converted? These projects take land off of the real estate market. How can you convince people this will be beneficial when feds are scaring the hell out of people. We need to fight for what we have.
- ODFW is proposing spending 1.4 million for the restoration portion of the Winter Lake project. The USFWS said they would spend much less than the 15 million dollars that they did for the Bandon Marsh expansion. The USFWS is now meeting with the Port of Bandon and making promises that there may be federal funds available for them if they work with the USFWS.
- If there is no monitoring of fish and wildlife use prior to the project the process is in reverse. This project could be more positive. ODFW needs to put a hold on things; get a stakeholder group together to develop a plan. We had a group that proposed a win/win solution, but this was not mentioned in the amended grant. Go ahead with the land trade, but hold off on restoration work.
- You have not considered the cost of the tidegates. How much will the tidegates cost? You have stated how much the restoration will cost.
- I have been to multiple meetings with ODFW Salem staff and I have not received answers to my questions concerning this project.

- At different meeting we've talked about options. There are other ways to spend money to have more benefits. There are ways to design a project as "Win-Win." You need to have dikes around the property. ODFW is moving too fast with this project and we need the details in writing.
- I would like to encourage everyone here to write up your concerns and submit them to Arnie Roblan and your other state elected officials..... I think your property exchange is premature. You don't have any data on what you are planning.
- Here's is landowner xxxx's property... (pointed out on the Powerpoint slide by audience member). You're not putting the creek (China Creek) in the original channel. You will need to increase the dikes around your property. You say you will protect the neighbors...
- If there is no land trade, none of the negative outcomes happen... Write to Arnie Roblan and other legislators. Show up in Portland at the commission meeting.
- In a prior Farm Bureau budget meeting we were promised answers and never got any response.
- In 2008, the ODFW director said our questions would be submitted to the ODFW commission. Make sure all public comments are submitted to the commission.
- Write the Nature Conservancy and protest. If you write and protest the project will collapse.
- ODFW has indicated that they are committed to not having a negative impact on adjacent landowners if this project moves forward. What if the project does have a negative impact or negative economic impact? Will the property be converted back to livestock production?
- The public does not have all the information we need. There is not protection from the drainage district actions.
- All drainage ditches in their current condition would provide better fish habitat if the south side was planted with willows. The ODFW project to allow tidal influence of the Winter Lake area will contribute to increased water temperatures and make the Coquille River better smallmouth bass habitat.