

Exhibit C

**Public Correspondence received as of
January 27, 2016**





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July 9, 2015

VIA EMAIL

Jeff Jackson
Oregon Department of Fish and Wildlife
PO Box 5003
Charleston, Oregon 97420
Jeffrey.b.jackson@state.or.us

RE: Comments on Coquille Valley Wildlife Area Management Prospectus

Dear Mr. Jackson:

The Oregon Farm Bureau Federation ("OFB") submits the following comments regarding the Coquille Valley Wildlife Area Management Prospectus. In the draft Coquille Valley Wildlife Area Management Prospectus, ODFW proposes to conduct fish and wildlife restoration work and provide public access for fishing, hunting and recreation on two formerly agricultural parcels of land in the Coquille area. OFB first engaged in the Coquille Valley Wildlife Management Area Project (the "Coquille Project") at the request of some of our members whose agricultural operations are impacted by the project. Since becoming engaged, we have grown concerned about ODFW and its partners' management of this project, and their approach to working with impacted landowners. We are writing today to encourage ODFW to modify the draft Coquille Valley Wildlife Area Management Prospectus to include more concrete requirements for the manner in which ODFW's partners will approach their involvement with the project and to include a more robust commitment to protecting neighboring landowners from impacts from the Project.

By way of background, the OFB is a voluntary, grassroots, nonprofit organization representing Oregon's farmers and ranchers in the public and policymaking arenas. As Oregon's largest general farm organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industry as a whole. Today, OFB represents over 7,000 member families professionally engaged in the industry and has a total membership of over 60,000 Oregon families.

The State of Oregon is blessed to have productive agricultural lands that produce food and fiber, provide wildlife habitat, preserve open spaces, and support family businesses. While OFB understands the

public attraction to these open landscapes, our organization is growing concerned about ODFW's acquisition and management of an increasing acreage of agricultural land. OFB and its members adamantly oppose unnecessarily exposing landowners to public conflicts and impairing the productive capacity of family farmlands through the acquisition and creation of public access to these formerly working agricultural lands. The Coquille Project highlights many of these concerns.

ODFW's Responsibility for Its Partners

OFB requests that ODFW amend the Coquille Valley Wildlife Area Management Prospectus to more clearly state its requirements for its partners in this project, and consequences for non-compliance. Since acquiring the Winter Lake Property, ODFW has worked with the Beaver Slough Drainage District ("BSDD") to modify the drainage structures on its property to return the property to a natural state. Due to the current layout of drainage facilities on the property, BSDD and ODFW will modify diking and tidegate structures to facilitate ODFW's management of the Property as a wetland area. While neighboring landowners were willing to work with BSDD to accomplish these objectives, BSDD insisted on unfettered access to the neighboring properties, and would not agree to reasonable conditions on access that respected the neighboring properties' agricultural use. BSDD would also not agree to utilize its existing easements to access their infrastructure, but instead demanded more direct access through neighboring agricultural lands – in one case, directly through existing corrals used to manage cattle on the neighboring property. When BSDD refused to agree to reasonable conditions for access to the neighboring properties, BSDD sued all district property owners seeking to quiet title to an easement over the entirety of the neighboring properties for "drainage district purposes." In its lawsuit, BSDD claimed that all drainage districts have an inherent right to access and control the properties within their boundaries to accomplish the purposes of the drainage district (which, incidentally, do not include flooding property). Alternatively, the drainage district sought to condemn an easement across neighboring lands to access and perform work for the project. Due to the dangerous precedent set by the drainage district's claims, OFB filed an amicus brief in the lawsuit outlining the limited nature of a drainage district's powers, and discussing the impacts that the holding sought by the drainage district could have on agricultural lands throughout Oregon.

Throughout the litigation around the access to the property, BSDD indicated that it was acting as a "partner" with ODFW in this project to improve fish habitat. In the removal-fill application filed by BSDD and The Nature Conservancy ("TNC"), the purpose of the project is "to improve fish access into the floodplain for overwintering habitat that is limiting to coho and other species and to improve the habitat quality of the site and support native plant communities." (Joint Permit Application 57054 at pg. 2). The application goes on to state that the "TNC, ODFW, BSDD and CCGC are partnering on the restoration of tidal floodplain habitat, as the lack of overwintering habitat has been identified as a key limiting factor to the productivity of coho salmon in the Coquille River Subbasin Plan (Coquille Indian Tribe 2007)." (Joint Permit Application 57054 at pg. 2). The actions undertaken by BSDD to alter drainage within the Winter Lake area were done for ODFW's benefit as a result of ODFW's restoration project.

BSDD's treatment of neighbors to the Coquille Project has been egregious, particularly in light of the fact that ODFW developed and pursued this project without the consent of the impacted landowners. OFB requests that ODFW clearly state its requirements for partners in this project, and decline to work with partners who will not uphold ODFW's standards for treatment of its neighbors.

OFB recommends addition of the following Goal to begin to address these concerns:

Goal 5: Ensure that any partners working on the CVWA with ODFW follow ODFW standards for treatment of the public and impacted landowners.

Objective 5.1. Require any partner who performs work on the property, submits permit applications relating to the property, or contributes money to the property adhere to the highest standard of treatment of any members of the public or neighbors impacted by the project.

Objective 5.2. To the extent that any partner requires access to neighboring lands to perform work to facilitate creation or maintenance of the CVWA, require that partner to utilize existing easements where possible. To the extent that additional access is required, negotiate that access only with willing landowners, and do not utilize condemnation power to secure access to the project area.

Objective 5.2. To the extent that any partner requires access to neighboring lands to perform work to facilitate creation or maintenance of the CVWA, utilize existing easements where possible. To the extent that additional access is required, negotiate that access only with willing landowners, and do not utilize condemnation power to secure a more direct route to the project area.

Objective 5.3. Require partners to the project to provide periodic updates on project status and status of work with neighboring landowners and the impacted public. Monitor and oversee work performed on the property by any partners to the project.

ODFW's Responsibility to Neighboring Landowners

OFB also requests that ODFW provide more concrete commitments to avoid impacts to neighboring landowners. Throughout the Coquille Valley Wildlife Area Management Prospectus, ODFW discusses the potential for the project to adversely impact neighboring agricultural properties. However, ODFW does not provide any concrete commitments or plans for avoiding those impacts or responding to any impacts that occur. Instead, ODFW generally states that they will work with neighboring landowners to "minimize" or "avoid" impacts to their properties and operations (Prospectus at pgs. 8, 10, 39). There are several critical areas where ODFW needs to provide more firm commitments to landowners.

Public Access: One of the primary purposes of this project is to provide hunting, fishing and recreational access to the public, and ODFW anticipates maintaining a high level of public use on this property. (Prospectus at pgs. 9, 31). Negative impacts from public access is one of the primary complaints OFB receives from landowners who border government-owned land, and one that our members have come to view as inevitable with these types of projects. As you are aware, there are a host of issues that can arise when public access occurs next to adjacent private agricultural lands. These conflicts include increased risk of trespass, increased costs due to the need for more frequent oversight of livestock and farming operations, crop damage from trespass onto fields on foot or by vehicle, the risk of harm to livestock through gates being left open, animals being chased or shot, water troughs being vandalized, and other critical infrastructure being damaged. With significantly increased public traffic in the area, the costs of this access to neighboring operations is real, and will make it more difficult for our members to maintain productive working operations.

While there will always be some level of negative impacts on any private property which borders public lands, ODFW could do significantly more than it has historically done to manage and control public access, and restrict or eliminate public access in areas that become chronic problems. Our members frequently complain that agencies in charge of these projects are slow to respond and control issues

arising from public access, do not design the project in a way that avoids conflicts between public uses and neighboring private uses, and does not appropriately mark, monitor, and enforce the boundaries of these areas.

ODFW specifically acknowledges that while the project seeks to provide public access to an agricultural area that has not previously been open to public access, actions in the plan are subject to personnel and budget availability. (Prospectus at pg. 4). ODFW should not acquire property if it does not have the money to design, monitor, and manage public access in a manner that avoids impacts on its neighbors. OFB would like to see ODFW take a more active role in managing its property to avoid negative impacts on neighboring landowners, hold public users accountable for their actions that damage or interfere with neighboring operations, and restrict or eliminate access in areas where there are chronic issues or where ODFW lacks the resources to monitor and manage access appropriately.

Easements. ODFW needs to provide concrete commitments to neighboring landowners which ensure that ODFW will be fair and transparent in its approach to negotiating easement access with landowners. In the Prospectus, ODFW has stated that it "may be necessary for the Department to acquire access easements for public access to Winter Lake Tract." (Prospectus at pg. 28). In its public proposals for the Coquille Project, ODFW marked as public entrances easements that ODFW has not secured access to, or where ODFW had not reached agreement with the landowner on the scope of the easement.

When ODFW acquires private property, there are often existing agricultural or private access easements attached to the property. These easements do not legally allow for public access through them. However, we have heard complaints on other projects regarding ODFW asserting that these easements carry broader public access rights than is legally accurate, or where ODFW asks to "renegotiate" the easement or broaden its access rights without informing the landowner that the current easement actually does not allow for public access.

When approaching public access to its properties, ODFW needs to first seek to avoid crossing private landowners' property. If ODFW cannot avoid crossing private property, it should only secure easements from willing landowners, and should not push for or legally try to secure public access without the consent of the impacted landowner. In approaching its negotiations around access, ODFW needs to be transparent with neighboring landowners – most of whom do not have a team of attorneys behind them – regarding the nature and scope of their existing easements, and not unduly pressure landowners to renegotiate or broaden the scope of easement access to their property.

With this background in mind, OFB suggests the following Goal be added to the Prospectus:

Goal 6: Develop and Manage lands within the CVWA to avoid impacts to neighboring landowners, and promptly address any concerns raised by neighboring landowners.

Objective 6.1. Design public access points to be located away from neighboring agricultural operations and as close to existing public roads or facilities as possible.

Objective 6.2. Construct fence along the entire boundary of the CVWA and post "Private Property-No Trespassing" signs along the boundary fence prior to opening the area to public use or publishing it on any public maps.

Objective 6.3. Respond promptly to landowner complaints regarding public trespass or unauthorized public use of the CVWA. If more than five complaints of public trespass are received in a one-year period (from any source), close the CVWA until ODFW can develop a new plan for preventing public trespass onto neighboring private property.

Objective 6.4. Provide public access only through access points which have been negotiated with and approved by willing landowners. If neighboring landowners do not wish to have public access across their property, ODFW will only provide access through available public roads, if any.

Objective 6.5. Monitor the property frequently and repair or pay damages for any damage that results from unauthorized public access to lands outside the CVWA.

Other Concerns With Prospectus

- **Water Use:** The Prospectus states that “water use and distribution will be monitored using monitoring wells.” (Prospectus, pg. 26). However, it is unclear the purpose for this monitoring. Water use generally refers to consumptive water rights, which ODFW states are not needed for this property (pg. 30). To the extent that ODFW is referring to monitoring impacts from creating a wetland within the project area, ODFW should make this section more clear, specifically set forth its monitoring protocol, and outline the steps that it will take to resolve any hydrologic impacts on neighboring properties (including, but not limited to, dewatering the wetland area).
- **Wetland Creation:** While it is not clear in the Prospectus how ODFW is approach its design of the Winter Lake project, it appears that ODFW intends to do some amount of design and engineering work to develop the area for wetland habitat, then slowly flood the area to ensure that any impacts can be recognized and dealt with. (Prospectus at pg. 29). OFB recommends that ODFW retain and utilize the services of a qualified hydrologist in designing and implementing its wetland project to ensure it is designed to avoid impacts to neighboring properties and to analyze impacts of the project moving forward. As you are aware, designing hydrologically sound wetland projects is a challenge, and we have had several member complaints about impacts from neighboring ODFW wetland projects in the past. Sometimes, impacts from inundation of formerly drained areas can occur years in the future and can develop in unexpected areas. Having a qualified hydrologist monitoring the wetland design and construction will help avoid negative impacts on neighboring property owners.
- **Fencing and Grazing Access:** The Prospectus states that “a perimeter fence will be constructed and maintained around all of the Winter Lake Tract...to delineate property boundaries and protect neighboring landowners from unwanted public access.” (Prospectus at pg. 28). The Prospectus also indicates that this fence will protect the wildlife area from livestock trespass. Neighboring landowners have requested that ODFW install this perimeter fence since 2013, largely to protect neighboring landowners from livestock trespass related to ODFW’s grazing lease. ODFW has not provided this fence, and has not indicated when it will be constructed.¹ If ODFW is going to acquire private agricultural lands and open them to public access and other grazing access, ODFW has the obligation to promptly ensure that appropriate infrastructure is in

¹ While it is identified as a year two priority in the Prospectus, we are now two years into ODFW’s ownership of the property, and grazing has continued in the area without the appropriate fence.

place for its management. Lack of personnel or funds is not an excuse. ODFW needs to construct this fence immediately.²

Thank you for the opportunity to submit comments on the Coquille Valley Wildlife Area Management Prospectus.

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,



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cc: Brett Brownscombe, ODFW
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² Additionally, ODFW has consistently represented to OFB in other contexts that it follows a priority leasing system where the previous leasee is first offered grazing rights on newly acquired property. That system was not followed in this case – the previous leasee was told they would have the first option to lease the grazing rights from ODFW, then local personnel offered the lease to another operator without notifying the previous leasee. ODFW needs to consistently apply the policies and guidelines it claims to operate under, particularly with regard to its interactions with neighboring agricultural owners.

**Comments for ODFW Working Draft
Coquille Valley Wildlife Area
Management Prospectus**

June 17, 2015

By

Sharon Waterman

Adjacent landowner and Stakeholder Committee Member

87518 Davis Creek Lane

Bandon, Oregon 97411

The Stakeholder Committee met approximately five times to discuss various issues addressed in this plan. There were issues that I assumed this very diverse committee had a consensus of opinion on that were not included in the management plan. There are some management issues in the plan that were not included according to ODFW staff due to engineering and some that have been removed from the existing management plan due to complexity. My comments are meant to enhance and provide transparency to the plan from a landowner perspective and stakeholder committee member. I realize there will be some changes by the Department based on public comments and clean-up language. The comments I am presenting to you are based on the June 17th edition of the CVWA management prospectus and only that plan.

Comments:

Page 4: Second paragraph, third sentence. North Bank Road should be changed to "North Bank Lane."

Page 5: Objectives and management strategies to achieve these goals: Need to add to the "management plan" the commitment by ODFW staff that the "CVWA will have no adverse impact to drainage, agriculture operations, forage production, and rural home and landowners (mosquitos and drainage)."

Concern: The budget request is addressed in this area. As an Oregon taxpayer and family of hunters and fishermen, plus wildlife habitat provider, I am concerned to what extent the ODFW land acquisitions have on the state budget especially when ODFW has expressed during this budget cycle that it is in dire financial straits. This project alone has put a huge time drain on ODFW staff out of Charleston and Roseburg offices as well as ODFW finances even with all the grant dollars. The staff time utilized for this restoration project vs the Eel Lake timber ground appears to be extensive. The Eel Lake dollars (+/- \$2 million) that came about this year from the land trade will be going directly into the Coquille Valley from what we are told. These dollars could have been used to offset the deficit in the biennial proposed ODFW budget.

Page 8: Second paragraph: "The Department is committed to being a good neighbor." This

needs more strength than just monitoring by the Department. A good neighbor means that public access issues are resolved prior to purchase of lands by ODFW, fencing is completed immediately for cattle grazing (after three years of asking the fencing is still not done on ODFW grazing lands), concerns addressed by neighbors should have a written response by ODFW and ODFW should communicate directly with those adjacent landowners as to project engineering and implementation. The Department should work with neighbors/community to develop a report to the Commission on issues and concerns about the effect, both positive and negative, of the proposed and implemented restoration project as it relates to existing drainage, agriculture operations, industrial businesses, and rural homeowners in the area. Denuding of the riparian channel area due to livestock grazing (no fences) on Winter Lake ODFW property is inappropriate and not in the best interest of productive agriculture, let alone water quality and fish.

Last Paragraph: "while avoiding adverse impacts to neighboring landowners." Neighboring landowners have already had adverse impacts which I do not believe would have happened without this acquisition and restoration project. This paragraph needs more clarification by the Department so neighboring landowners know what to expect from the Department and its partners. Due to the restoration and impending projects, all landowners in the District have been sued and those who wanted to protect their lands had to retain an attorney in order to protect their individual private property. This has ended up costing landowners, many of who are 65 and older, quite a lot of out of pocket retirement dollars. This has also created many negative feelings concerning ODFW and their partners in the project.

Page 9: Goal 2, Objective 2.2: As a landowner in Coaledo Drainage District, I am glad to see the maintenance of channels in the plan. There are beaver dam issues in Beaver Slough on ODFW lands which are adversely impacting the District's drainage. Coaledo Drainage District is committed to resolving this problem and has committed \$3,000 in their budget to assist ODFW with removal of those beaver dams. Unfortunately, ODFW was unable to get them removed last year. Co-operation for the betterment of the drainage and fish passage is the best mode of resolving management issues.

Goal 3, Objective 3.1: Public access has been a huge issue on both the Beaver Slough and the Winter Lake parcels. With the acquisition of the Luckman property, access to the lower part of Beaver Slough was resolved but only to the lower section. However, the Winter Lake parcel still has no public access unless the public gets permission from the "adjacent landowner". This creates trespass issues which add unnecessary "adverse impacts" to neighboring landowners. To "minimize" impacts to neighbors is not "no adverse impacts." The Department should never have purchased lands for public use without actual public access. The Department and partners NEVER should have advertised "access" through a totally "non-public access point" off Highway 42 to our property via their many power point presentations to the "public" when selling their restoration program. Even asking the Department to remove the "access road"

was not immediately resolved. It was brought forward at public meetings as well as private conversations with ODFW. Again, this is not a "good neighbor" policy.

Objective 3.3: I would like to address an angling issue discussed by the Stakeholder Committee and don't know where else to do it. It doesn't mean that it should be under this objective but somewhere in the plan. The Stakeholder Committee recommended non-motorized boats in the Wildlife area. I supported that recommendation and believe it should be somewhere in the plan.

Page 10: CVWA Establishment: In favor of transparency, Lines 5,6,7 need to be altered. Based on the deed, the Luckman property of 37.3 acres was an outright acquisition by ODFW rather than a TNC purchase and transfer. (see attachment)

Page 14: "Some nesting occurs.....but much of the farming practices have resulted in conversion of wetland to intensively managed pasture dominated by reed canary grass." The land used for agriculture use is still in Section 10 Rivers and Harbors and still a "wetland" by definition. Just because it is channelized has nothing to do with nesting. Those of us who fence the waterways plus have well vegetated riparian areas provide a multitude of protected nesting areas for waterfowl besides what exists on the pastureland. ODFW has not fenced their waterway (channel) areas therefore depleting existing habitat in the Winter Lake parcel. Proper management is the key to providing good grazing lands in conjunction with good wildlife habitat.

Paragraph three: Discussion in this paragraph talks about "channeling of the Coquille River". I'm not sure where this statement came from or even if this is true. There is channeling of the various creeks and wetland areas but not the Coquille River itself as far as I know. There is no historical siting for this statement. Depending on who one talks to, coho may not be native in the Coquille system anyway. The system is a lake during winter months. It has been said that the coho prefer upland stream habitat rather than lake habitat for over-wintering. This restoration project will not change the winter conditions in Winter Lake.

Page 18: Shorebirds: This is not nor has it been a "mud flat". Mud flat areas are closer to the mouth of the Coquille River.

Page 21: Non-native species: The scotch broom in the higher areas along North Bank Lane has been created due to road construction and logging in the uplands. The scotch broom was introduced and continues to thrive due to inadequate cleaning of equipment and lack of adequate weed control. These species are generally along the roadways and timberlands but not in the bottomland grazing areas.

The canary grass was brought into the valley for forage use many years ago since it will withstand the winter water inundation. Managed correctly, it provides great forage for livestock consumption and provides a food source for wildlife. It is not considered a weed in Coos County since it is a "cash crop".

Page 22: Wildlife monitoring and control, second paragraph. With the millions of dollars being spent on this project within a drainage district and adjacent to productive agriculture lands, it is imperative that there is adequate control of predators and invasive wildlife on the CVWA lands. Control of predators needs to be based on problems, not monitoring/prioritizing data. There is nothing in the plan that provides for management numbers which should be zero due to the impact of nutria, muskrat, beaver, etc. on the diking systems as well as predators to existing livestock operations. Nutria are a huge problem now in the restored marsh lands in Coos Bay and it takes continued control measures to preclude the expansion of populations of this invasive.

Page 24: Paragraphs 2 and 3: Burrowing wildlife species such as muskrat, and nutria again are detrimental to the existing drainage and diking system which has been in place for well over 100 years. It is an on-going issue for the existing dikes with control measures employed by USDA Wildlife Services staff and landowners. Any expansion of these wildlife species to "management objectives" will adversely impact the millions of dollars going into this restoration program as well as private property and existing infra-structure by the drainage districts and private landowners. It is important that beaver dams within the channel systems be removed by ODFW staff to maintain the existing drainage system.

Page 26: Mosquitos: First paragraph. As a member of the Stakeholder Committee, there was discussion about setting triggers that would focus control of mosquitos if this project became similar to Bandon Marsh. This is not in the plan and the Department "will consider" using BTI to reduce larvae populations. This is totally inappropriate. Like with the Bandon Marsh, ODFW staff does not suffer the social and economic consequences of their actions. The landowners and general public do suffer. Mosquito control needs definitive triggers and definite use of insecticides immediately as well as water level control. Remove the ambiguity of this section and put in the triggers and the definite use of larvaecides/insecticides. Again, everything needs to be in place to take immediate action so the public is not adversely impacted like with the Bandon Marsh restoration project.

Page 28: Infra-structure: Fencing. Since the acquisition, as an adjacent landowner, we have asked the Department to perimeter fence their property for all the reasons stated in this paragraph as well as to primarily keep the livestock from Departments grazing lease on the Department's property. You can tell the kind of neighbor by the fencing they have and to be quite frank, ODFW is not a good neighbor. Since the Departments purchase of the Luckman property and at the request of the Department's lessee, we did not remove the electric fence which we put in place on that property. We had leased the Luckman's for over thirty years

prior to ODFW acquisition. Our action to leave the fence in place benefited ODFW and the lessee. The cost of a hotwire and charger or other adequate fencing is essential if the Department is going to lease the properties out for grazing. Again this is being a good neighbor and also alleviates impact on adjacent landowners. The Department has for years wanted riparian fencing to protect fish habitat and yet the Department does not do anything to their own land in the CVWA.

Page 29: Water Distribution and Control. As neighboring landowners, I am definitely concerned about the inundation of tidal flow to the Winter Lake parcel. The existing groundwater levels are close to the surface in non-filled wetland pastures. As the adjacent landowner on two sides of ODFW, we asked for an agreement with ODFW to define what their process would be and to define what they would do if the tidal influence began to impact our grazing operation. That has not been done. Unless it is in writing and signed by the Department, there is no validity to any water management plan proposal or what assurances as to the actions the Department will take should the inundation of the wetland affect our property and forage.

Facilities Maintenance: The major facility for this project is the "tide control structure". Even though it is under the BSDD jurisdiction, it is essential ODFW have a maintenance and repair agreement with the District. Over half the tide control structure is for the benefit of the Department and the wetland restoration. Therefore, the Department has responsibility to ensure the structure is maintained and it is defined who shall be ultimately responsible for repairing any failures prior to impacting either the Departments land or the private lands within the District.

Page 30: Easements/Access Agreements. The Department purchased lands without public access. This should have been done prior to "advertising" in over 300 public meetings that this project was for the benefit of the public and would be accessible to the public.

Page 31: Public Use. There needs to be a provision that dogs on the Department's property shall be leashed except during duck hunting season. Dogs not under control adversely impact the livestock operations as dogs can chase livestock, running them through fences or harming them.

Page 34: Spring Drain-Out. It is essential for the grazing that the spring drain-out be accomplished as soon as the weather turns and the river water levels decline. To hold a battery of water within the drainage district and to only let it run out gradually, may adversely affect adjacent agriculture lands that need to dry out prior to turning out of livestock for grazing.

Page 36: First paragraph, last sentence. "Reconnection will require coordination with pertinent drainage districts and neighboring private landowners." This is absolutely true but even as

much as we as adjacent landowners have set up meetings with ODFW, it appears there is no direct coordination with us as to the impacts of this project on our operation or our lands. Everything we have tried to explain to staff appears to have gone nowhere and as adjacent landowners there is no agreement in place to ensure our concerns will be addressed. We asked to be included in the "partner" meetings to no avail.

Strategy 6: Perimeter fencing is also essential to protect the riparian areas from the livestock. When is this going to happen? Fencing should have been a priority (a temporary hot wire fence with charger would have worked) and done immediately in order to reduce the ingress and egress of livestock and protect the riparian areas. Fence posts were put in but that is as far as it went.

Page 37: Strategy 2. This strategy could be better said....ODFW shall coordinate and assist in the maintaining of berms with the drainage districts.

Page 38: This is redundant to what is already in the plan. The "plan" needs to be edited to reduce redundancies.

Page 39: Objective 3.1. All access should have been completed up front with the acquisition. The Department guaranteed up front there would be no adverse impact to adjacent landowners and yet here you are going only to "minimize" impacts. What impacts will be minimized and how much? What can the Department do to eliminate all impacts?

Objective 3.2: Strategy 3. Change to state: "Clearly delineate with signage and fencing both the Winter Lake and Beaver Slough Tracts." Add: At property lines of the CVWA, "No trespassing, Private Property" signage will be installed to protect adjacent landowners and their agriculture operations.

Page 40: Objective 3.4, Strategy 4: This section states the Department will evaluate the need to implement a regulated public use program. However, ODFW staff has told us a regulated use program will be implemented. ODFW needs to determine costs to implement such a program and the future management of the program.

Page 41: Goal 4, Paragraph 2. Add: In order to prevent noxious weeds, the contractors shall power wash all equipment used in the CVWA including the undercarriage to alleviate introduction and establishment of weeds.

Paragraph 3: Again, we were told this project would have no impact to landowners yet the Department plans to monitor the effects on soil moisture to 'limit' effects on neighboring lands while achieving its goals. What effects does the Department anticipate? How is the Department going to adjust management strategies?

Objective 4.1, Strategy 4: What are the trigger points for control? They should be set in the plan. For example, if you have one complaint or multiple complaints, what is the process? Who is the primary person from ODFW to file the complaint with? In writing or verbal?

Page 42: Objective 4.2: Monitoring of water wells needs to be done for at a minimum of ten years and needs correlation with natural events (rainfall, flooding, and drought) as well as irrigation levels, wetland water levels, maintenance issues for example a log keeping lids open, etc. Without correlating these issues with the ground water levels, there is no science to the monitoring. They are just numbers.

Page 46: Assess Problem, Evaluate and Adjust. Include "adjacent landowners"

Page 62: Salinity: Methods: More than once a year during Aug. thru Oct. and at 3 meters as well as several other lower depths, one of which is near the Coquille River bottom. Also, at least once a year during that time span, check for salinity in the wetland and China Camp Creek area to document any salt water intrusion or not.

Groundwater infiltration: Need to have natural water inundation, water levels in the canals, wetland inundation, flooding, and maintenance issues correlated with groundwater data. There needs to be someone who has permanent paid staffing position to do this rather than the volunteer drainage district person. Consider coordinating this effort with the Coquille Watershed staff.

Aquatic mammals: ODFW should be the staff. Notes: Contract with USDA Wildlife Services and others for control.

Mosquitos: Coordinator/Staff: Needs to be the Coos County Vector Committee and Coos County Health Department not OSU Extension (Coos Co.) since they already have extensive experience with the Bandon Marsh mosquito issues.

Summary: The basis of this "CVWA management plan prospectus" should not only focus on fish and wildlife habitat goals but also it should address potential impacts to the "community": adjacent landowners, adjacent industrial business/owners, drainage, rural landowners, agricultural industry, etc. The impacts of acquisition and restoration to Coos County agriculture is great since it is removing some of the best grazing land from production, therefore having a permanent impact on agriculture and the economics of the County. This whole project has created "willing sellers" of some and concerns by others who want to enjoy their homes and small properties they have worked for so many years to own. **There is still no public access to Winter Lake parcel and no fencing and ODFW has owned it for three years.**

SEND TAX STATEMENTS TO:
Oregon Department of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, OR 97302

COOS COUNTY, OREGON 2014-07651
\$71.00 09/28/2014 02:50:21 PM
Pgs=8

AFTER RECORDING, RETURN TO:
Oregon Department of Fish and Wildlife
4034 Fairview Industrial Drive SE
Salem, OR 97302



Terril L. Tut, Coos County Clerk

RECORDED BY
FIRST AMERICAN TITLE

2254109

WARRANTY DEED
(ORS 93.850)

WADE R. LUCKMAN and MISTY LUCKMAN, as tenants by the entirety, Grantors, convey and warrant to the STATE OF OREGON, acting by and through the OREGON FISH AND WILDLIFE COMMISSION, on behalf of the OREGON DEPARTMENT OF FISH AND WILDLIFE, Grantee, the following described real property free of all encumbrances except as specifically set forth herein:

Land in Coos County, Oregon, as described on Exhibit "A" attached hereto and by this reference made a part hereof.

SUBJECT TO the encumbrances described on Exhibit "B" attached hereto and by this reference made a part hereof.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,

May 23, 2015

