

Exhibit B

**Supplemental
Public Correspondence received as of
June 5, 2018**

Roxann B Borisch

Subject: FW: Comments to the Commission on the Proposed ODFW Budget for 2019-2021
Attachments: TCA ODFW Budget Comment to the FWC - June 2018 (Final).pdf

From: David Moskowitz [<mailto:theconservationangler@gmail.com>]
Sent: Friday, May 25, 2018 12:30 PM
To: odfw.commission@state.or.us
Cc: curt.melcher@state.or.us; Cameron Smith <Cameron.C.Smith@state.or.us>; Jim Myron <myrons@canby.com>
Subject: Comments to the Commission on the Proposed ODFW Budget for 2019-2021

Dear Commission Chair Finley, Members of the Commission, and Director Melcher:

The Conservation Angler has attached a memorandum with our comments on the ODFW Proposed Budget for 2019-2021. We appreciate all of the work ODFW staff has put into this budget and planning effort.

We look forward to discussing these issues at your June Commission meeting.

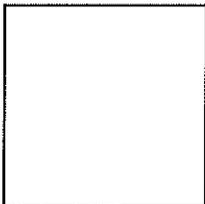
Please feel free to contact Jim Myron or me if you have questions.

Thank you for providing this opportunity to comment.

Sincerely,

David Moskowitz

David A. Moskowitz
Executive Director
971-235-8953 (Direct)
www.theconservationangler.com





Memorandum

TO: Oregon Fish and Wildlife Commission, Michael Finley - Chair
CC: Curt Melcher, Oregon Department of Fish and Wildlife (ODFW) – Director
Cameron Smith, ODFW - Deputy Director for Administration
FR: David Moskowitz, Executive Director
Jim Myron, Government Affairs Director
DT: May 25, 2018
RE: Comments on ODFW's Agency Request Budget to Governor Kate Brown for 2019-2021

The purpose of this Memorandum is to provide the Oregon Fish and Wildlife Commission (the Commission) with comments on the ODFW proposed budget presented to the Commission for inclusion in Governor Kate Brown's State Agency Budget Package for the 2019-2021 Biennial Budget.

The Conservation Angler maintains great interest in the spending and revenue for ODFW, and appreciates the opportunity to participate in helping review and comment on the ODFW Biennial Budget through our participation with the External Budget Advisory Committee (EBAC) and Statewide Town Hall Hearings.

Our comments will address the following topics:

1. New Policy Option Packages Generally
2. Leaburg Hatchery
3. Klamath Anadromous Fish Re-Introduction
4. Klamath Re-Introduction Research, Monitoring and Evaluation
5. Nearshore Monitoring
6. Integrated Water Resources Strategy
7. Willamette Falls Marine Mammal Predation

1. New Policy Option Packages Generally

As a general observation, we question whether all of these proposed new Policy Option Packages (POPs) should be funded with general fund dollars. Some of these POPs should be paid for from revenue sources more closely associated with the particular program or activity rather than by revenue from general tax funds provided by all Oregonians.

2. Leaburg Hatchery – Opposed

We oppose the continued operation of Leaburg Hatchery by the state of Oregon. The Army Corps has resolved their trout mitigation requirements through a contract with a private hatchery. Any future salmon or steelhead production at the facility must be considered as part of a new or revised biological opinion for hatchery operations in the Willamette basin. It would be premature to assume that a revised biological opinion would find additional salmon hatchery production a wise action given the issues that hatchery production poses for ESA-listed spring chinook.

There are important issues not being adequately considered by the Department regarding short-term and long-term funding for acquisition of the US Army Corps of Engineer's Leaburg Hatchery.

First, the McKenzie River is home to what federal fisheries scientists believe is the most viable and largest population of wild spring chinook in the upper Willamette. However, that population is protected as a threatened species through the Endangered Species Act (ESA). The NOAA Fisheries Science Center noted in the most recent Biological Review Team (BRT) Report (NOAA 2016) that the spring Chinook in the McKenzie have declined steeply in the preceding five years (2011-2015). Additionally, the McKenzie River is also home to a very robust wild trout population and includes wild cutthroat trout as well, but is adversely affected by the hatchery trout stocking program.

Second, the Department's proposal to continue operations at the Corps of Engineer's Leaburg Hatchery raises multiple issues that have not been discussed or addressed by the Commission. These issues include, but are not likely limited to:

1. Whether state or federal agencies have evaluated the hatchery trout and non-native summer steelhead predation on ESA-listed wild and hatchery spring chinook juveniles?
2. Whether trout will still be produced at this facility for release into the McKenzie River and if so, how will that affect native resident rainbow trout?
3. Whether spring Chinook will continue to be produced here and released into the McKenzie and how will that effect ESA-listed spring Chinook?
4. Whether non-native summer steelhead will still be produced and released into Willamette valley streams and how will that effect ESA-listed wild winter steelhead as well as spring chinook recovery?
5. Whether and how this proposed expenditure of state funds - GF, ODFW license-dollars or possibly Restoration and Enhancement (R&E) dollars - fit into existing high-need ODFW priorities?
6. How the project backgrounder can describe Leaburg as a high value facility in good condition, and yet make note of extensive repairs needed to keep it operational?
7. The Leaburg hatchery has known disease issues, so:
 - a. Without a plan to address them, how can Oregon support discharging more pollutants into the McKenzie, one of Oregon's most pristine rivers, and the drinking water source for Eugene and Springfield?
 - b. Do the discharges meet the requirements of DEQ's "Three Basin Rule"?
8. The facility is one of many hatcheries ODFW is operating with an expired Clean Water Act permit, based on discharges and standards that are over a decade out of date. What is ODFW doing to assure hatchery discharges are not harming water quality?
9. Is ODFW fulfilling its current obligations in the Willamette Basin including:
 - a. finishing securing instream water right application approvals,
 - b. reviewing ongoing water withdrawal permit applications being considered by the Water Resources Department (WRD),
 - c. meaningfully addressing existing fish passage barriers in the Willamette Basin and tributaries which block wild winter steelhead or wild spring chinook?
 - d. completing annual spawning surveys for ESA-listed winter steelhead or spring chinook in order to determine if these species are meeting river-specific escapement goals?

- e. addressing fishery and predation conflicts with hatchery trout fisheries upstream of mainstem dams where ESA-listed winter steelhead and spring chinook are the subject of passage and by-pass efforts?
10. ODFW has been ringing the alarm bells on the impact of marine mammal predation at Willamette Falls.
 - a. What is ODFW doing to improve passage at the existing fishways for wild winter steelhead and wild spring chinook?
 - b. What is ODFW doing to reduce the predator-attraction impacts from the extensive hatchery summer steelhead and hatchery spring chinook program on the Willamette River at Willamette Falls?
 11. Has the Oregon Fish and Wildlife Commission authorized or provided direction to ODFW to acquire this facility by making this funding request to the Legislature?
 12. Has the US Army Corps of Engineers' property disposal effort complied with the federal requirements to evaluate the environmental effects of the ownership transfer under the National Environmental Policy Act (NEPA)?

There are many deserving and priority places and projects to spend public funds in the Willamette Basin, but acquisition and operation of this facility should be far down on this list.

3. Klamath Fish Re-Introduction: Conservation Hatchery Stock Production - Opposed

The funding for hatchery production and staffing in the Klamath River Basin is premature, and the POP makes a leap over the Commission's own administrative rules.

Once dam removal on the Klamath River begins in 2021, as is currently scheduled, volitional and natural salmon and steelhead re-colonization is prioritized. In order for those efforts to be successful, there must be a substantial period of time during which the natural recolonization of the available habitat by naturally spawning wild native salmon and steelhead occurs without any artificial production. If after several wild salmon or steelhead lifecycles monitoring reveals that is not occurring, only then should consideration be given to hatchery intervention in the Klamath. The current time period will be 3 lifecycles for each species (chinook, coho, steelhead and lamprey) and thus the range is up to 12 years of observing volition recolonization for chinook salmon.

Numerous previous evaluations of anadromous fish reintroduction possibilities have concluded that while fall chinook, steelhead and even coho may re-colonize the Upper Klamath Lake and tributaries, spring chinook had disappeared from the upper basin even before non-native settlement occurred. Several comprehensive reviews have identified multiple serious challenges with an active re-introduction plan including habitat degradation, water flows and water quality. Additionally, the risks associated with disease resistance and transmission to resident fish species will require extremely conservative treatment of actively re-introduced species.

Draft re-introduction proposals are apparently calling for immediate active re-introduction of spring chinook into Upper Klamath Lake once the dams are removed. This may be unwise and is not explicitly called for under existing Commission rules. When not explicitly enunciated in rule language, statutory and rule construction requires an interpretation that would read the appropriate rules taken as a whole. Reviewing the Klamath Fish Management administrative rules for chinook together, it is clear that

volitional passage is the priority re-introduction method for at least the next decade after completion of the four Klamath Dam removal project.

Active re-introduction for spring chinook also ignores several critical uncertainties:

1. The ability of juvenile salmon to safely migrate through the Upper Klamath Lake and tributary complex is unknown and uncertain due to water quantity and quality problems.
2. There is no clear downstream passage experience to show that juveniles will make it past Link River or Keno Dams, and existing passage facilities require upgrades and modifications.
3. There are concerns about ecosystem carrying capacity in the Lower Klamath River both in terms of available food and rearing space at certain critical times of year for the multiple species of salmon and steelhead that are migrating towards the marine waters.
4. There is no ready source of spring chinook stock for brood to create eggs or juveniles.
5. Lower Klamath spring chinook are in very low abundance in a limited number of stream reaches.
6. A petition to list Klamath Spring Chinook as Endangered under the federal ESA is being considered now by NOAA Fisheries. If accepted, resulting regulations may place strict requirements on any handling of the listed fish now found in the lower Klamath.
7. Upper Klamath River spring and fall Chinook were extremely unique in terms of their historic life history characteristics, having made a unique migration to elevations and tributary types not duplicated anywhere else in the Pacific Northwest. All previous assessments believe it to be unlikely that lower river spring chinook will contain the genotypes to successfully re-colonize the Upper Klamath region, even if the habitat restoration efforts completely restored the conditions necessary for spawning and juvenile rearing and migration. However, fall chinook may indeed be successful due to their ocean-type genetic structure and related life history characteristics which will tend to allow survival in harsh environmental conditions based on early migration behavior.

In conclusion, the Commission should not approve this POP. First, it is premature and not in the best interest in achieving re-colonization of self-sustaining natural runs of wild chinook, coho, steelhead and lamprey into the Oregon portion of the Klamath River Basin. Second, it is unclear if active re-colonization will be consistent with protecting and maintaining native resident fish assemblages which will be at high risk from any disease transmissions in Upper Klamath Lake.

4. Klamath Re-Introduction Research, Monitoring and Evaluation – Support

TCA supports this new POP. This package will ensure ODFW can continue its role as a leader in the re-colonization of anadromous fish into the Klamath River above areas currently blocked to anadromous migration and work effectively with tribal, federal, state and non-governmental entities.

5. Nearshore Fisheries Surveys – Support if Accomplished with a Funding Source Shift

The Conservation Angler (TCA) supports efforts of the Department to gain a better understanding of the groundfish stocks on Oregon's coast. Having sufficient and reliable information on the status of these stocks is essential to the future management of the fisheries that impact these fish. However, since the primary driver for this work is the belief that federal assessments show lower population abundance numbers and result in lower bag limits for targeted species, the cost of the survey program should be paid for by the commercial and recreational fishing industries that will be the beneficiaries of this work.

There are several potential funding sources for these important surveys:

1. Groundfish stocks are currently managed with information compiled by the Pacific Fisheries Management Council. Since they would also benefit from having better information, perhaps the federal government should be a partner with the state of Oregon in funding this operation.
2. TCA believes that state funding for this program could come from the Department's Fish Restoration and Enhancement Program (R&E) whose funds come from annual surcharges to the anglers who harvest these fish and would be a good source of revenue for this new but not necessarily on-going program.
3. ODFW could also use license fee funds in the existing surplus from sport and commercial fishers.
4. ODFW could develop a special endorsement for anglers pursuing groundfish, just as Columbia basin anglers are charged for the Columbia basin endorsement.

While TCA supports this monitoring work, the state's general fund is not the appropriate source of revenue to fund this program.

5. Integrated Water Resources Strategy - Support

TCA supports this new POP because it is a mission-critical job for ODFW to ensure its expertise is applied to protecting stream flows and for general water management so that adequate water is available to manage fish and wildlife throughout Oregon as Oregon's scarce water resources come under pressure.

6. Willamette Falls Marine Mammal Predation – Support

TCA supports this POP. However, the work to be accomplished to reduce the impact of pinniped predation at Willamette Falls includes several elements that may not be part of this program. TCA believes that ODFW must begin addressing the shift in the species of pinnipeds now present at Willamette Falls (and at Bonneville Dam) from California Sea Lions (CSL) to Stellar Sea Lions (SSL). Current management focus has not addressed the increasing number of SSLs now at Willamette Falls. Another unaddressed issue is the effect of predator-attraction at Willamette Falls due to the large number of hatchery spring chinook salmon and non-native hatchery summer steelhead that are returning to the Falls concurrent with relatively small numbers of wild spring chinook and winter steelhead which bear a disproportionate impact of the pinniped predation relative to their population size. Finally, ODFW must work with the USACE to ensure that the Willamette Falls Dam and Fishway are engineered, constructed and operated in the manner that deters predators and allows effective passage of migrating fish. If ODFW needs more funding to accomplish these tasks, then TCA supports a call for additional funding. Funding should not be an obstacle if ODFW does not want its frequent cries of alarm to be for naught.

Roxann B Borisch

Subject: FW: ODFW Budget Document Letter of Support
Attachments: OHA ODFW Budget Document Letter of Support.pdf

From: Cindy Martinich <cindy@oregonhunters.org>
Sent: Wednesday, May 30, 2018 2:29 PM
To: odfw.commission@state.or.us
Subject: ODFW Budget Document Letter of Support

Dear Commission members,
Please see attached a letter of support for the ODFW budget document.
Thank you.

Cindy Martinich
OHA Office Manager
541-772-7313
Fax 541-772-0964
cindy@oregonhunters.org



OREGON HUNTERS ASSOCIATION

Protecting Oregon's Wildlife, Habitat and Hunting Heritage

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oha@ccountry.net • oregonhunters.org

May 29, 2018

Oregon Fish and Wildlife Commission
ODFW Headquarters
4034 Fairview Industrial Drive SE
Salem, OR 97302

Chair Finley and Members of the Commission:

The Oregon Hunters Association (OHA) is writing to support the proposed ODFW Budget for 2019-2021. OHA is a member of the External Budget Committee and we worked with other stakeholder groups to develop this budget. We will be supportive of the budget request as it goes forward in the process.

While OHA supports the entire budget document, we are in particular very supportive of the Policy Option Package 127 "Anti-Poaching Campaign" (POP 127) that is included in the proposed budget request. As you may recall, this package is based on a budget note that was included in ODFW Budget bill (HB 5010) during the 2017 legislative session. That note directed ODFW to:

"...develop a proposal for a broad anti-poaching public awareness campaign, including a budget, that will include, but not be limited to: An anti-poaching public awareness campaign strategy, identification of tools needed to combat poaching, and any statute changes needed to address poaching. The Department is to report to the appropriate Ways and Means Subcommittee during the February 2018 session on the details and budget for this work."

To meet the intent of this budget note, ODFW put together several potential strategies to reduce the illegal take of fish and wildlife in Oregon. A mixture of those strategies is included in POP 127. OHA believes that POP 127 will improve Oregon's ability to make the public aware of the crime of poaching fish and wildlife, which will help aid the Oregon State Police Fish & Wildlife Division curtail the poaching epidemic in Oregon. In addition to the support of OHA, the Oregon Legislative Sportsmen's Caucus voted on May 21st to support POP 127 "Anti-Poaching Campaign" as presented in the ODFW 2019-2012 proposed budget request.

We know that POP 127 will be the first of many steps to curtail poaching in Oregon and help future Oregonians develop and maintain their recreational choices of hunting, fishing and wildlife viewing in our great outdoors.

Sincerely,

Fred Walasavage, Chair
Oregon Hunters Association

Roxann B Borisch

From: Kimberley Priestley <kjp@waterwatch.org>
Sent: Friday, June 1, 2018 2:31 PM
To: odfw.commission@state.or.us
Cc: MINER Jason * GOV (Jason.MINER@oregon.gov); curt.melcher@state.or.us; Shannon Hurn
Subject: Support of POP 123 (Water Program), ODFW 2019-2021 ARB Budget Development
Attachments: ODFW pop 123 letter LOGOS.pdf

Dear Chair Finley and Members of the Oregon Fish and Wildlife Commission,

Attached please find a letter of support for POP 123 (Water Program) submitted on behalf of fourteen conservation groups.

Thank you for your consideration.

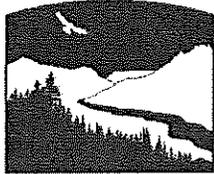
Best, Kimberley

Kimberley Priestley, Senior Policy Analyst
WaterWatch of Oregon
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Portland, OR 97204
503-295-4039, x 3
www.waterwatch.org

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Oregon
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OREGON WILD

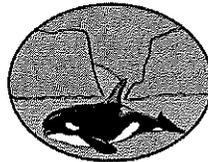


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Oregon Coast Alliance



OREGON SHORES
CONSERVATION COALITION

June 1, 2018

Mike Finley, Chair
Members of the Oregon Fish and Wildlife Commission
4034 Fairview Industrial Drive SE
Salem, OR 97302-1142

RE: Support of POP 123 (\$772,700) for the Water Quality Water Quantity Program,
2019-2021 ODFW Budget Development,

Dear Chair Finley and Members of the Commission,

The undersigned groups, which represent tens of thousands of Oregonians from all parts of the state, support the proposed inclusion of POP 123 for the Water Quantity Water Quality Program (Water Program) in the 2019-2021 ODFW Agency Recommended Budget.

In terms of securing a sustainable water future for Oregon, recovering imperiled salmon and ensuring the health of Oregon's rivers, adequately funding ODFW's Water Program is of paramount importance. It is not possible to overstate the importance of this program.

ODFW's Water Program plays a vital role in protecting water in our state's iconic rivers. Whether it's reviewing new water right applications to ensure that they won't harm our rivers, securing new instream water rights to legally protect streamflows, prioritizing streamflow restoration efforts statewide, working in basin collaborative groups, or helping set water policy in every river basin statewide, ODFW's Water Program works to protect water in our streams – and provides an invaluable service to all Oregonians.

Expansion of the Water Program beyond current capacity will allow ODFW to conduct instream demand forecasts, implement the Integrated Water Resources Strategy, complete instream flow studies and work on instream flow restoration and mitigation projects. Expanding the Water Program is not

only critical to Oregon's water future, but is also important in achieving the Agency's Strategic Planning Goal #1 of demonstrating effective stewardship of Oregon's fish, wildlife and their habitats.

Given the importance of this program to all Oregonians, we respectfully ask the Commission to include POP 123 in the 2019-2021 ODFW Agency Requested Budget.

Thank you for consideration of our comments.

Sincerely,

Gail Snyder, Executive Director
Coalition for the Deschutes

Greg Haller, Conservation Director
Pacific Rivers

Ann Vileisis, President
Kalmiopsis Audubon Society

Rhett Lawrence, Conservation Director
Oregon Chapter, Sierra Club

Cameron La Follette, Executive Director
Oregon Coast Alliance

David Moskowitz, Executive Director
The Conservation Angler

Lori Grant, Water Program Director
Oregon Environmental Council

Chandra Ferrari, OR Water Policy Advisor
Trout Unlimited

Donna Lipscomb
Oregon Land and Water Alliance

Kimberley Priestley, Senior Policy Analyst
WaterWatch of Oregon

Paige Spence, OR Conservation Network Dir.
Oregon League of Conservation Voters

Bob Van Dyk, Policy Director OR/CA
Wild Salmon Center

Phillip Johnson, Executive Director
Oregon Shores Conservation Coalition

Travis Williams, Executive Director
Willamette Riverkeeper

Steve Pedery, Conservation Director
Oregon Wild