

Exhibit B

**Supplemental
Public Correspondence Received as of
June 11, 2020**

From: open spaces <pennyh@open-spaces.com>

Sent: Thursday, June 11, 2020 1:14 PM

To: odfw.commission@state.or.us

Subject: Comment on Habitat Division Support and Funding for upcoming Commission Meeting

Dear Director Melcher and Members of the Oregon Department of Fish and Wildlife Commission:

I am writing in support of the establishment of and sufficient funding for a strong Habitat Division within the Oregon Department of Fish and Wildlife.

In the late 80's and early 90's I was the Assistant Attorney General assigned by the Oregon Department of Justice to offer legal advice to the Oregon Department of Fish and Wildlife.

At that time it was the Habitat Division that assured the viability of the species upon which the department of fish and wildlife depends. It was notable that so many of the strongest advocates for the Habitat Division were those whose families had supported the department for generations because they had seen first hand the impact loss of that habitat had on the populations they depended upon for their hunting and fishing. Healthy populations of fish and wildlife can not exist without healthy habitat. The two go hand in hand. For that reason the Habitat Division brought together the interests of those who loved to hunt and fish and those who understood the interdependence of both interests.

Thank you for your time and attention.

Penny Harrison
1949 SW Edgewood Ro
Portland, OR 97201
(503) 227-4609
(503) 313-4361 (cell)

From: Marshal Moser <marshalmoser@gmail.com>
Sent: Tuesday, June 9, 2020 10:56 PM
To: ODFW.Commission@state.or.us
Cc: Marshal Moser <marshalmoser@gmail.com>
Subject: RE: ODFW Commission Meeting testimony for June 12, 2020 - EXHIBIT B: 2021-2023 BUDGET - for reestablishing a Habitat Division .

Dear Commissioners:

I just wanted to lend my whole-hearted support on EXHIBIT B: 2021-2023 BUDGET for the proposal to reestablish a Habitat Division in the agency. I think this is an excellent and far-seeing idea that needs strong implementation. Without habitats, their conservation and restoration, we will not even have the beautiful range of plants and animals that help make Oregon so biologically rich and diverse. Of course, the more we learn, manage, and maintain truly healthy habitat the more we move toward and maintain a healthy future for Oregonians and the creatures we enjoy around the State.

Thank you very much,
Marshal

Marshal A. Moser, Jr., C.W.B.
Certified Wildlife Biologist
EcoServices Ecological Consulting
38062 Plehn Pines Dr.
Chiloquin, Oregon 97624-6715
Personal Cell Phone: 541/880-4629
Personal E-mail: marshalmoser@gmail.com

From: Comcast <sa_brady@comcast.net>

Sent: Tuesday, June 9, 2020 9:37 PM

To: ODFW.Commission@state.or.us

Subject: Commission Agenda

I am submitting this email as testimony on the Commission's upcoming meeting.

EXHIBIT B: [2021-2023 BUDGET](#):

I support establishing the Habitat Divisions so that the agency has the capacity to do the work necessary to build the resiliency of wild fish in the face of a rapidly changing climate. Habitat is needed for all species to survive. The Habitat Division is a needed for the State of Oregon.

EXHIBIT E: FURBEARER REGULATIONS FOR 2020-2021: I support thee Commission eliminating the trapping of beavers on federal lands in the state of Oregon. Beavers are a keystone species across Oregon's diversity of landscapes and play a critical role in the hydrology and function of river ecosystems. Please close all federally managed lands to beaver hunting and trapping so that these important animals can can do their part to keep our rivers healthy.

Sean Brady
Portland, Oregon

From: donnette brown <creekwaterhooker@gmail.com>
Sent: Tuesday, June 9, 2020 7:09 PM
To: ODFW.Commission@state.or.us
Subject: Habitat Division

I support the Habitat Division so the agency has the capacity to do the work necessary to build resiliency of wild fish in the face of rapid changing climate. My name is Donnette Brown and I work for John Anderson of Memory Makers guide service on the Rogue River and I am the secretary for the Oregon Anglers Alliance. I have a lot of first hand experience daily of the fish populations on our river and I believe hatchery programs will benefit in so many ways. We kept a log of our steelhead run and the amount of wild vs. hatchery is astounding. We need hatcheries. Thank you for your time.

Donnette Brown
Memory Makers Guide Service
OAA

Sent from my iPhone

From: David Moskowitz <theconservationangler@gmail.com>
Sent: Tuesday, June 9, 2020 4:24 PM
To: odfw.commission@state.or.us; curt.melcher@state.or.us
Cc: Shannon Hurn <Shannon.M.Hurn@coho2.dfw.state.or.us>
Subject: TCA Comments on the ODFW 2021-2023 Proposed Budget

Our comments to the Fish and Wildlife Commission on the Department's Proposed 2021-23 Budget are attached .

The Conservation Angler is concerned about the process proposed for final Commission approval of the current proposed budget. The Commission will hear from staff and the public on Friday June 12, specific elements may be revised, general guidance to staff may be issued and presumably, changes will likely be made in the final budget to be approved by the Commission in July.

When does the Department expect to complete its work on the final proposed budget and subsequently to distribute this document to the Commission (and to the public) for review? Will the public be provided an opportunity to comment on changes (if any) prior to action by the Commission to approve (or to even recommend subsequent final revisions)?

We look forward to learning more about the process that lays before us.

Thank you for your consideration of our comments and questions.

David Moskowitz

David A. Moskowitz
Executive Director
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Conservation means fair and honest dealings with the future, usually at some cost to the immediate present. It is simply morality, with little to offset the glamour and quick material rewards of the North American deity, "Progress". Roderick Haig-Brown



Memorandum

To: Mary Wahl, Chair, Oregon Fish and Wildlife Commission
Cc: Commissioners, Oregon Fish and Wildlife Commission
Dt: June 9, 2020
Re: Comments on the Oregon Department of Fish and Wildlife Proposed 2021-2023 Budget

The purpose of this memorandum is to summarize The Conservation Angler's Comments provided through the revised External Budget Advisory Committee (EBAC) on the Oregon Department of Fish and Wildlife's Proposed 2021-2023 Biennial Budget.

Overview

Due to the serious and uncertain nature of the effects of the COVID-19 virus on General Funds and Lottery funds, as well as the potential to reduce some license revenues, it would be prudent to ask the agency to review all of the "continuation POPs" to assess whether all of them are still necessary and warranted. It may be that some of these proposals should be reduced or eliminated to free up some funding capacity for adding the new Habitat Division. The Conservation Angler believes that establishing the Habitat Conservation Division must be the agency's absolute top priority for new programs in the 2021/23 budget.

ODFW's practice to declare every facility as "essential" must be turned away and real scrutiny applied to the condition, function, relationship to program priorities as well as the deferred maintenance needs for each piece of infrastructure on a scheduled basis to ensure that the expenditure supports critical mission-driven objectives. It defies logic to continually rank each facility or physical asset in this manner without careful fiscal and ecological assessments. This is especially true for ODFW's hatchery programs.

Our comments below will be presented in order of the EBAC Power Point Slides:

I. Administrative:

The Conservation Angler has found the Administrative Division to be functioning well and Division Staff have been accessible and transparent. TCA appreciates the clarity of the Division's work this year.

II. Deferred Maintenance:

TCA appreciates the updates provided on the Deferred Maintenance Plan during the 2017-2019 period.

However, it is unclear from the materials which projects were hatchery "reform" projects as opposed to hatchery "deferred maintenance" issues noted on the Bond Update page.

It is also unclear if ODFW spent some of these bond funds on existing Fish Division Passage and Screening Staff who were reported to have provided assistance to the Bond-funded staff. We would assume that the Screening and Passage staff were presumably already funded under other funding packages. TCA would appreciate a clearer delineation of the ODFW staff who were performing deferred maintenance work as opposed to statutorily mandated work under the Fish Passage and Fish Screening program.

III. Fish Division: Inland Fish Division:

TCA believes the prioritization of items and the language used make a difference. The order of the Inland Fisheries programs should be changed to better reflect the agency mission:

1. Better stewardship
2. Climate change policy

3. Better Communication
4. Better Infrastructure
5. Better License and Fee Structure
6. Better Fishing

If ODFW takes care of the habitat and the fish, the fishing will like take care of itself.

Under Better Stewardship, it would be helpful if ODFW's identification of high priority habitats for protection and restoration would explain the functions the particular priority habitat provides for wild fish, and include conveyance of the location and the habitat qualities that a specific habitat provides to other state and federal agencies so that the agencies with actual habitat management authority can make decisions that do not degrade the qualities and functions provided by the specific habitat.

Since ODFW only retains authority over fish passage and water diversion screening, it would be more impactful if ODFW were to identify how the agency will take action to apply fixes to the priority fish passage and diversion screening issues that create the biggest limitations to the productivity or contentedness of high quality or high priority habitats, given budget reductions. TCA supports ODFW efforts to prioritize the fish passage and diversion screenings and urges action to address those lists.

Hopefully ODFW will see the benefits of creating a Habitat Division so it may actively work with resource staff from other state and federal agencies as well as people working on private lands to ensure development and management does not limit wild fish productivity.

Under Better Infrastructure, the descriptive sentence seems to convey that the Fish Division will build better wildlife areas and conservation projects. TCA believes that if ODFW has to invest in hatcheries to provide fish for harvest or for conservation, then it would seem that the Fish Division has already failed since the mission of the agency is to "prevent the serious depletion of any indigenous species." The existing sentence needs to be re-written to capture the likely intent involving hatcheries or fishing access areas and possibly habitat restoration projects. As written, ODFW seems to envision itself as a construction outfit.

Under Better License and Fee Structure, this could be part of Communication, since securing new fees or license structures will pass if they galvanize license buyers. TCA believes that this element is vitally important, and we hope that ODFW will spend the necessary time and energy working with stakeholders to determine creative ways to conserve iconic wild fish, manage access and create funding for that work.

Regarding the Columbia River and Marine Program, TCA believes that there should be a reference to protecting wild fish that will increasingly rely on Cold Water Refugia during their migrations. This has relevance in the Columbia River as well as in other watersheds such as the Umpqua, Rogue and smaller coastal rivers. Migrating wild fish will face warm water, low flows, and focused angler pressure statewide. The cold water refugia issue should be noted on EBAC Slides 24 and Slide 25 in relationship to increasing migration survival in the Columbia and within the climate change scenarios statewide.

IV. Wildlife Division:

TCA supports the Wildlife Division and how they handle the limited entry for hunting opportunities. ODFW Wildlife staff could likely play a helpful role in the development of new fishing opportunities provided through a limited entry concept adapted for salmon, trout and steelhead.

V. Oregon State Police – Fish and Wildlife Division

The Conservation Angler supports the high-quality enforcement and educational/informational contacts OSP makes on behalf of all Oregonians. TCA supports and is very pleased with the wide-spread support for enhanced funding and programs supported by the Legislature.

VI. 2021 Legislative Update and Concepts:

The Conservation Angler has the following comments on portions of the 2021 Legislative Update:

1. ODFW not pursuing a Recreational Fee Increase.
 - ✓ TCA supports this position
2. ODFW will focus on Commercial Fish Fund revenue.
 - ✓ TCA supports this position.
3. ODFW will seek to extend the Columbia River Endorsement Fee sunset.
 - ❖ TCA is strongly opposed to this effort unless the Fee is dramatically re-structured to address not just hatchery production but real solutions that include buyouts, alternative gear investments and conservation-oriented fishing issues.
4. ODFW will explore potentially offering Premium Fishing Opportunities.
 - ✓ TCA supported this concept and believes that Oregon cannot afford to put off exploring the creation of limited entry fishing opportunities aimed at unique species or locations in need of conservation management. TCA urges restoration of this concept and will participate in any working group created to explore this.
5. ODFW will re-create a Habitat Division.
 - ✓ **TCA supports this effort and it is our highest priority for 2021.**
6. ODFW will increase efforts to work with partners on land use planning.
 - ✓ TCA supports this effort as many important wild fish areas depend on healthy, functioning private lands, as well as maintaining adequate stream flows on these lands.
7. ODFW will look to align budget and priorities in the face of economic impacts and the potential loss of available funding due to COVID19 response.
 - ✓ TCA realizes the sobering economic impact of the COVID-19 epidemic and necessary budget responses and hopes to work collaboratively to assist where possible.

The Conservation Angler has the following comments on items ODFW intends to pursue left over from the 2019 or 2020 Sessions:

1. Decreasing Daily Angling/Shellfish Combination License from \$32.50 to \$23.00, with “May Charge Up to Fee Amount” language added in ORS 497.061
 - ❖ TCA opposes this change (Please see below our rationale)
2. Seeking Removal of Columbia River Endorsement sunset on January 2, 2022.
 - ❖ TCA is opposed to removing this sunset as previously noted above.

VII. ODFW New Legislative Concepts for 2021:

1. Premium Fishing Opportunities that allow for new, limited entry angling on some fish populations.
 - ✓ TCA supports this concept as described above.
2. Increase Commercial License fees to support Commercial Fish Fund and maintain ocean fisheries
 - ✓ TCA supports this concept.
3. Oregon Conservation and Recreation Fund
 - ✓ TCA supports this effort and changes to the timelines to ensure program success.

VIII. 2021-23 Initial Policy Option Package Concepts:

Since some but not all policy option package concepts are presented, TCA would appreciate seeing materials for the POP concepts that are not highlighted in the presentation, and we reserve comments of support or opposition until we can review all concepts.

1. Jordan Cove Energy Project Liaison work aligned solely to avoiding, minimizing, and mitigating for natural resource impacts.
 - ✓ TCA supports this work, but it must include protecting stream and river crossing habitat.
2. Increase Chinook salmon forage for endangered Orca via General Fund:
 - ❖ TCA is opposed to this request. The impact and effects of additional hatchery chinook production in the lower Columbia and Upper Willamette has not been evaluated for its impact on ESA-listed Upper Willamette River Spring Chinook or on lower Columbia River tule chinook, nor on the likely predator attraction impacts on co-migrating ESA-listed wild steelhead, chinook, chum and coho salmon.ⁱ
3. Sockeye salmon reintroduction at Wallowa Lake as a General Fund request supporting reintroduction planning at Wallowa Lake in collaboration with Nez Perce Tribe and others.
 - ❖ TCA is opposed to this POP as Wallowa Lake Dam was recently re-constructed using public funds and this work was done without fish passage. Until volitional passage is provided, TCA will oppose development of a broodstock program that relies on a trap-and-haul passage plan as this strategy historically has demonstrated little if any success.
4. Willamette Water Reallocation and Place-based Planning & Mitigation are new General Fund requests.
 - ✓ TCA supports this funding for the habitat division. However, it would be easier to know our position on these POPs if they were more explicitly presented in terms of watershed focus, and what is meant by "mitigation." TCA reserves its final decision on these POPs until more detailed information is available.
5. Shellfish and Estuary Assessment is a General Fund request to meet the need for more frequent stock assessments in major bays and estuaries supporting recreational and commercial fisheries.
 - ❖ TCA supports frequent stock assessments for conservation and management purposes and would be inclined to support this request, however, we believe that shellfish and estuary assessments should be funded by the existing Shellfish Fund which is paid for by shell-fishers - both recreational and commercial.
6. Klamath Reintroduction and Monitoring Biologist and position authority to utilize PCSRF funding to continue Klamath reintroduction work.
 - TCA supports ODFW Biologist working on Klamath salmon and steelhead re-introduction *but only if the work aligns with administrative rules requiring focus on natural re-colonization of chinook, coho and summer steelhead for three life cycles. TCA also believes that PCSRF funds must be focused on wild fish conservation work and not hatchery work.*
7. Western Oregon Stream Restoration Program provides technical assistance on habitat restoration projects.
 - ✓ TCA supports this, particularly as part of the proposed Habitat Division.
8. Deferred Maintenance/Major Construction addresses deferred maintenance needs involving ODFW office facilities.
 - TCA is neutral on this program. ODFW Staff deserve good offices to work in. TCA continues to believe that not every ODFW structure or facility should be classified as "critical" absent a prioritized evaluation of facilities and current priority activities.
9. Habitat Division will support and strengthen ODFW's longstanding commitment to habitat restoration and improvement and to lead proactive, focused, and consistent statewide efforts to protect, restore, and enhance habitat for Oregon's fish and wildlife. This will focus resources on the challenges that climate change presents. HCD represents an important "third leg of the stool" in the agency organizational structure: Fish, Wildlife, and Habitat.
 - ✓ TCA supports the creation of the Habitat Division and believes it should be the number one top POP and should be on the very top of everyone's Top POP list.

In conclusion, and as stated initially, The Conservation Angler believes due to the serious and uncertain nature of the effects of the COVID-19 virus on General Funds and Lottery funds, as well as the potential to reduce license revenues, it would be prudent to ask the agency to review all of the “continuation POPs” to see if all of them are still necessary and warranted. It may be that some of these proposals should be reduced or eliminated to free up some funding capacity for adding the new Habitat Division. That must be the agency’s absolute top priority for new programs in the 2021/23 budget.

The Conservation Angler appreciates ODFW's efforts to work with stakeholders in developing their biennial budgets. This particular process, though necessary given the circumstances, was not particularly easy to use. Nevertheless, we know that extensive staff effort during this time allowed the public to remain involved. We hope that the comments you gather from stakeholders are seriously considered and will be helpful as you move forward towards approval in July.

The Conservation Angler will continue to review the proposed agency budget, legislative efforts, as well as the financial projections in the course of the next month as the agency and the Commission consider comments prior to your July decision and we hope to provide additional feedback during this period.

Sincerely,

David Moskowitz
The Conservation Angler

Chinook Salmon Forage for Killer Whales (aka Leaburg Hatchery) – TCA is Opposed

We oppose Oregon’s continued operation of Leaburg Hatchery. The Army Corps has resolved their trout mitigation requirements through a contract with a private hatchery. 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 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, all of which are adversely affected by the hatchery trout stocking program.

Second, ODFW’s proposal to continue operations at the Corps of Engineer’s Leaburg Hatchery raises multiple issues that have not been 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 discharge of 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 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?
 - f. What is ODFW doing to reduce the predator-attraction impacts from the extensive hatchery programs for trout, non-native summer steelhead and hatchery spring chinook program on the Willamette River?
 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 transfer complied with 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.

From: Kris Nelson <prin@phoenixfi.com>
Sent: Tuesday, June 9, 2020 11:01 AM
To: ODFW.Commission@state.or.us
Subject: ODFW Habitat Division

Dear Commissioners,

I support establishing the Habitat Division so that the agency has the capacity to do the work necessary to build the resiliency of wild fish in the face of a rapidly changing climate. Please do the scientifically sound step: close all federally managed lands to beaver hunting and trapping so that these important animals can do their part to keep our rivers healthy.
Thank you,

Kris Nelson
Portland

Sent from [Mail](#) for Windows 10

From: jim pruet <jfpruett@icloud.com>

Sent: Tuesday, June 9, 2020 10:57 AM

To: ODFW.Commission@state.or.us

Subject: Habitat Division

Hello -

A quick note to say that I support the creation of a Habitat Division of the Oregon Department of Wildlife Division so that the agency has the capacity to do the work necessary to build the resiliency of wild fish in the face of a rapidly changing climate.

Jim Pruet
Ashland, Oregon

From: Thomas Pott <tcpott@mac.com>
Sent: Tuesday, June 9, 2020 10:27 AM
To: ODFW.Commission@state.or.us
Subject: Testimony: EXHIBIT B: 2021-2023 BUDGET

To Oregon Department of Wildlife Commission,

I support the re-establishment of a Habitat Division in the agency. The proposed Habitat Division will be central in executing the agency's response to climate change, and in executing the proposed ODFW Climate and Ocean Change Policy. In particular, the Habitat Division will benefit the agency in their capacity to do the work necessary to build the resiliency of wild fish in the face of a rapidly changing climate.

Thank you,

Thomas Pott
97555 Kimball Hill Rd.
Gold Beach, OR
97444

From: Jeffry Gottfried <jeff@gottfried.net>

Sent: Monday, June 8, 2020 4:22 PM

To: ODFW.Commission@state.or.us

Subject: Establishing the Habitat Division and Beaver Trapping Ban

Dear Commissioners,

Thank you for this opportunity to provide input on two of your upcoming votes. The first involves the reestablishment of the Habitat Division of Oregon Department of Fish and Wildlife. Both my formal education and my many outdoor experiences in Oregon I've the past 50+ years, tell me that if you take care of nature, then nature will take care of you. It makes perfect sense, especially under our current threat of climate change for ODFW to place emphasis on fish and wildlife habitat and not simply enhancing fish and wildlife numbers with heavy-handed, unnatural human intervention (e.g. hatcheries, stocking, killing of predators). Wildlife populations are resilient and dynamic, if given healthy habitats in which to survive, thrive and reproduce.

I applaud the effort to reestablish the Habitat Division of Oregon Department of Fish and Wildlife and believe that it will be a most effective means of insuring the future of fish and wildlife in Oregon.

Best fishes (and wildlife)!

Jeffry Gottfried, Ph.D

7040 SW 84th Ave.
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