

Exhibit G

**Supplemental
Public Correspondence Received as of
February 16, 2022**



WaterWatch of Oregon Protecting Natural Flows In Oregon Rivers

February 16, 2022

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

RE: Comments, Regional Dry Maintenance Time Periods in Traditionally Maintained Channels, Draft Rules, Chapter 635

Dear Oregon Fish and Wildlife Commission,

WaterWatch is writing in support of the proposed rules to govern dry maintenance time periods. We support ODFW's proposed dry maintenance time periods for the following reasons:

1. Under HB 2437 (2019) ODFW has the sole authority to set dry maintenance time periods. ODFW is the state agency charged with protecting Oregon's fish and wildlife and, as such, is best suited to identify necessary dry periods to protect fish and wildlife.
2. The dry maintenance time periods are set to minimize potential impacts to the most vulnerable life stages of fish and wildlife species. The governing statute directs that any channel maintenance be conducted in a manner that protects, maintains, or improves ecological function; this cannot be achieved if dry periods are broadened to allow work during vulnerable life stages.
3. WaterWatch opposed HB 2437; however, in both bill hearings and in floor speeches, legislators extolled the protective sideboards of the program, including the fact that ODFW would be able to set conditions and dry periods. To carry forth not only with the governing statute directive, but also the intent as stated on the record by bill proponents, the Commission should approve the dry periods as proposed by ODFW.
4. Nothing in the governing statute supports a lengthening of regional dry periods to accommodate farming schedules. To the extent a farmer wants flexibility, the channel maintenance program includes a variance process to gain exceptions to conditions, including dry maintenance periods. Importantly, the existing maintenance variance provisions provide for site specific evaluation of the need for flexibility from protective conditions rather than a wholesale lifting of protections.

In closing, we would urge the Commission to adopt the dry maintenance time periods as proposed. We oppose any broadening of the dry periods. We also oppose any consideration of five-year variances as urged in comments on the record. The agency has already made accommodations from earlier drafts, no further changes should be made.

Thank you for consideration of our comments.

Sincerely,

Kimberley Priestley
Senior Policy Analyst



February 16, 2022

Oregon Fish and Wildlife Commission
4034 Fairview Industrial Drive SE
Salem, OR 97302
ODFW.Commission@odfw.oregon.gov

**Re: Support for Adopting OAR Chapter 635, Division 418 (February 18, 2022
Commission Meeting, Agenda Exhibit G)**

Dear Chair Wahl, Vice-Chair Zarnowitz, and Members of the Commission,

Trout Unlimited participated in the legislative process for House Bill 2437 (2019) and the Agricultural Channel Maintenance Sub-Workgroup. Our organization encourages the Commission to adopt the OAR Chapter 635, Division 418 rules to establish regional dry maintenance time periods as presented in Exhibit G, Attachment 3 of the materials for the Commission's February 18th meeting.

The agricultural channel maintenance program was designed to give the Oregon Department of Fish & Wildlife the role of determining appropriate maintenance time periods for in-channel work. The draft rules set forth the agency's determinations of those time periods based on the expert opinions of its staff and best available science. Accordingly, the Commission's approval of these rules is both appropriate and warranted. The agricultural channel maintenance legal framework already allows for certain ditch maintenance activities outside of the standard notice process; therefore, it is not necessary to adjust the draft rules to provide for longer work windows that might compromise water quality or other habitat conditions for fish and wildlife.

We encourage the Commission to adopt the rules as proposed.

Thank you for considering these comments, and please let me know if you have any questions.

Sincerely,

James Fraser
Oregon Policy Advisor
Trout Unlimited
james.fraser@tu.org

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Michelle Tate, Director's Office, Oregon Department of Fish & Wildlife, michelle.l.tate@odfw.oregon.gov