R & E Grant Application 13 Biennium

Project #: 13-054

Fielder and Wimer Dam Removals Phase I

Project Information

R&E Project Request: $58,202.00
Match Funding: $179,126.00
Total Project: $237,328.00
Start Date: 4/26/2014
End Date: 6/30/2015
Project Email: bobhunter@embarqmail.com
Project Biennium: 13 Biennium
Organization: WaterWatch of Oregon (Tax ID #: 93-0888158)

Fiscal Officer

Name: John DeVoe
Address: 213 SW Ash Street, Suite 208
Portland, OR 97204
Telephone: 503-295-4039 x1
Email: john@waterwatch.org

Applicant Information

Name: Bob Hunter
Email: bobhunter@embarqmail.com

Past Recommended or Completed Projects

This applicant has no previous projects that match criteria.

Project Summary

This project is part of ODFW's 25 Year Angling Plan.

Activity Type: Passage

Summary: The project is to solve the fish passage problems associated with Fielder and Wimer Dams by removing the aging structures. This grant will provide funding for the pre-implementation mapping, assessments, analyses, design work, permitting, construction drawings, and preparation of bid packages needed for removal of these two dams. This Phase I pre-implementation work will be followed by Phase II implementation of the dam removal and site restoration plans that will be developed in this first phase.

Objectives: Fielder and Wimer Dams are located on Evans Creek, an important salmon and

steelhead spawning tributary of the Rogue River. Both dams are listed in the top ten in priority statewide on ODFW's 2013 Statewide Fish Passage Priority List. They are considered the top restoration objectives for ODFW in the Rogue River Basin. The overall objective of this project is to solve the fish passage problems at these abandoned irrigation diversion dams by removing them. The overall project will also include site restoration and modification of a pumping facility just upstream of Wimer Dam so it remains operable. The specific objective of this first phase is to complete the work necessary to have this project ready to implement during the in-water work period of 2015. This first phase includes developing the information, environmental review, engineering and design work necessary for permitting, implementation funding, and contracting; securing the necessary permits for dam removal; and preparation of construction drawings and a bid package. This first phase of the project should be completed by June 2015. Another objective is to maximize the benefits of the two dam removals and reduce costs by moving the projects forward at the same time. WaterWatch, ODFW and other project partners will use information developed during Phase I to apply for implementation funding in 2014 so implementation funding can be in place by June 2015. With the strong partnerships, technical team and landowner agreements in place, and the high priority given these projects by ODFW and NOAA Fisheries, the objectives and timelines are achievable.

Fishery Benefits:

Evans Creek is an important spawning tributary to the Rogue River in Southwest Oregon. It supports populations of fall Chinook salmon, ESA listed coho salmon, summer and winter steelhead, cutthroat trout, suckers, and lamprey. These fish species are vitally important to the Rogue River's internationally famous inland salmon and steelhead sport fishery. Rogue River salmon stay off the Oregon coast and are also vitally important to Oregon's coastal commercial and sport's fishery. Evans Creek is an important contributor of salmon and steelhead to the Rogue River fishery, but its potential is severely limited by Fielder Dam at Rivermile 3 and Wimer Dam at Rivermile 9. These dams significantly hinder fish passage for all of these species, making it difficult for them to reach high quality habitat upstream, roughly 16 miles of habitat for Chinook, 60 miles of habitat for coho and over 70 miles of habitat for steelhead. Removal of these dams would open up access to this critical habitat, and increase production of salmon and steelhead in Evans Creek for benefit of sport and commercial fisheries. That is why ODFW has listed these dams in the top as fish passage priorities statewide, and why NOAA Fisheries has identified restoring access in Evans Creek as important to the recovery of Southern Oregon coho salmon, listed as threatened under the Endangered Species Act. (see ODFW's and NOAA Fisheries' lettters that are attached.)

Watershed Benefits:

State and federal agencies have identified Evans Creek, and restoring access to high quality fish habitat in its upper reaches, as important to the recovery of Southern Oregon coho salmon, listed as threatened under the Endangered Species Act. (see ODFW's and NOAA Fisheries' lettters that are attached.) These SONCC coho salmon inhabiting Evans Creek are individuals of the Upper Rogue River (URR) population. The public draft SONCC coho salmon recovery plan (NMFS January, 2012) identifies this population as a core population vital to the

recovery of SONCC coho salmon. Evans Creek is the most downstream watershed of significance within the geographic boundary of the URR SONCC coho salmon population. Due to this location, individuals of the URR population inhabiting Evans Creek are important for spatial and genetic diversity of the URR population. In general barriers are listed as a high stress factor for SONCC coho in the Upper Rogue River population (page 32-13 of the recovery plan). Fielder and Wimer Dams on Evans Creek are specifically identified as top targets for removal as they impede passage to nearly the entire Evans Creek watershed (page 32-17 of the draft recovery plan). ODFW maintains a statewide inventory of fish passage barriers and prioritizes those barriers based on the needs of native fish. The state updated the list in 2013 and Fielder Dam was listed as fourth in priority statewide and Wimer Dam was listed eighth. ODFW considers Fielder Dam at Rivermile 3 to be the effective end of fall Chinook production on Evans Creek at this time, and fish passage for other species to be possible only under ideal flow conditions. These dams are currently significant limiting factors in the Evans Creek watershed. Removing these two dams will open up unimpeded access to roughly 16 miles of habitat for Chinook, 60 miles of habitat for coho and over 70 miles of habitat for steelhead in the Evans Creek watershed.

Current Situation:

Evans Creek supports populations of fall Chinook salmon, coho salmon, summer and winter steelhead, cutthroat trout, suckers, and lamprey. Fielder Dam, located at RM 3 on Evans Creek, and Wimer Dam on RM 9 on Evans Creek significantly hinder fish passage for all of these species. Fielder Dam is 19 foot high and Wimer Dam is 11 feet high (See attached pictures of the dams). The fish ladders at the dams do not meet current criteria for jump heights, velocities or attraction flows. Upstream passage at the dams for migrating adult salmon and steelhead of all species occur primarily only when flow conditions are ideal for passage. There is no flow regulation in the ladders making flow conditions in the ladders striclty subject to happenstance. The ladders are inadequate for fish passage by the dams in most flow scenarios, and the dams completely block upstream passage of migrating juvenile fish under all flow conditions. During low flow winters, portions of these runs may be blocked, and fish jump out of the ladder and are stranded on rocks and die. (See attached photo of dead fall chinook salmon at Fielder Dam.) Steelhead and coho salmon are known to use habitat upstream of the dams, but upstream passage is difficult. ODFW considers Fielder Dam to be the effective end of fall Chinook production on Evans Creek. ODFW has documented fall Chinook spawning below Fielder Dam, but few fish or redds above the dam, though there are 16 miles of Chinook spawning habitat above Fielder Dam. Ten of these miles are also above Wimer Dam, which would also severely limit upstream passage for Chinook if they happened to get over Fielder Dam. There are ongoing problems with debris accumulating in the ladders of both dams and at times fish may be stranded in the abandoned diversion canals adjacent to both dams. The entrance to the fish ladder at Wimer Dam faces the dam so fish must turn 180 degrees to find it, resulting in fish injuring themselves jumping against the face of the dam (see photo of coho salmon leaping at Wimer Dam). There are roughly 16 miles of habitat for Chinook, 60 miles of habitat for coho and over 70 miles of habitat for steelhead upstream of the dam, access to which is limited by the dams. In addition, the reservoir pools created by the dams result in inundation of spawning

and rearing habitat, warm up water in the creek, and increase predation on juvenile salmonids. These problems are all eliminated by removal of the dams.

Alternatives: These two dams are abandoned irrigation diversion dams built approximately 100 years ago, and are no longer being used oroperated. There are no longer any active water rights associated with the dams and there are no water rights for the reservoirs. In a 2001 Environmental Assessment by the Bureau of Land Management and a 2003 report by NOAA Fisheries, removal of Wimer Dam was recommended as the preferred alternative to solve fish passage problems at that site. Though building new fish ladders would be a possible alternative, this alternative was not considered a reasonable alternative in this case as there is no reason to try and retain the outdated structures and new fish ladders would not be nearly as effective for fish passage as dam removal. Dam removal provides much greater benefits, is a permanent solution, and does not require ongoing operating, maintenance and inspection costs. Even with state of the art fish ladders, there would still be issues with fish passage, and other problems associated with the dams and reservoirs would remain. Most likely, installing new fish ladders would also be more expensive than just removing the existing structures. The landowners have agreed to allow the dams to be removed and there is no reason to keep or maintain the aging, non-functional structures.

Designer: WaterWatch has retained Scott Wright, a P.E. with River Design Group to design this project in consultation with ODFW and the technical team. Scott Wright has over 18 years of experience on stream restoration and dam removal projects.

Methods: The ultimate goal of this project is to remove Fielder and Wimer Dams on Evans Creek, an important spawning tributary to the Rogue River, to provide unimpeded fish passage to 16 miles of spawning habitat for fall Chinook salmon, 60 miles for coho salmon, and 70 miles for steelhead. There are two phases to this project. Phase I is the pre-implementation environmental review, permitting and design phase, which is necessary to get to Phase II, the implementation phase. WaterWatch has retained Scott Wright of River Design Group and has assembled a technical team for this project. The technical team consists of ODFW, OWRD, NOAA Fisheries, WaterWatch, the Geos Institute, and American Rivers. There has already been one meeting of the technical team to discuss funding and needed assessments for permitting. River Design Group worked up an estimate for the Phase I work for both dams, which was vetted with ODFW (A copy of the itemized cost estimate for the Phase I work is attached). Phase I work includes project planning, technical team, regulatory (permitting) agency, and landowner meetings, site surveys, preparation of project site maps, LiDar work for flood plain mapping required for Jackson County Flood Plain permits, sediment collection as prescribed by U.S. Army Corps of Engineer guidelines (to be done during the 2014 in-water work period), sediment analysis to assess whether there are any contaminents in the sediment that has accumulated behind the dams, hydraulic modeling to determine sediment movement and distribution after dam removal, and historic review to meet SHPO requirements. With this information a plan for dam removal and site restoration will be developed to the 30% design level and cost estimates provided that will inform permitting and implementation funding

requests. Permits for the project will be applied for and secured by June 2015 and final designs for dam removal, site restoration and Wimer pump station modification will be prepared along with construction drawings and bid packages. The design and removal and site restoration plans will be developed in consultation with ODFW, the technical team and regulatory agencies. This work would all occur in 2014 to June1, 2015. The dams would be removed in the in-water work period of 2015 provided funding and permitting can be achieved. This project is extremely likely to be successfully completed because removal of these dams is a high restoration priority for ODFW and NOAA Fisheries, because binding landowner agreements have been secured by WaterWatch consenting to and allowing for removal of the dams, and an excellent technical team has been assembled to accomplish this task. Momentum is building for these projects and some work has already been done. There has already been one technical team planning meeting and ODFW has been very involved in the coordination of the project. River Design Group with the assistance of ODFW personnel and funding provided by ODFW, Middle Rogue Steelheaders, the Rogue Flyfishers, and the Rogue Restoration Group (WaterWatch, Geos Institute, Rogue Riverkeeper and Rogue Valley Council of Governments) has now completed a site survey for each of the two dams. Additional funding from ODFW, the Southern Oregon Fly Fishers, Oregon Council of the Federation of Flyfishers, and the International Federation of Flyfishers has recently been secured. Grant requests have been submitted to OWEB and conversations have begun in respect to restoration grants with EcoTrust and Freshwater Trust for this project. WaterWatch played a key role in the removal of Savage Rapids and Gold Ray Dams on the mainstem of the Rogue River was an active participant on the technical team. The pre-implementation phase I work to be conducted under this grant request is essential for federal, state, and county permits and to insure the project is implemented in a safe and effective manner.

Inspector: All completed design work for the project will be reviewed by ODFW, NOAA Fisheries and the technical team, and the completed work will be inspected by the same.

Funding Elements: R&E funds will be used as match against two separate OWEB TA grants, one of which is for Fielder Dam removal and one that is for Wimer Dam removal to finance the Phase I pre-implementation work for both dams described in detail on the attached Cost Estimate from River Design Group. All R&E funds will be applied toward contract work to be provided by River Design Group as set forth in the attached cost estimate. There are cost savings associated with doing the pre-implementation work for both dams together, which are reflected in the cost estimates attached.

Partners: Yes

Oregon Department of Fish & Wildlife - Will provide technical assistance and has provided funding and staff time for survey work.
Oregon Water Resources Department - Has and will provide technical assistance on water rights.

Geos Institute - Will provide technical assistance and contracting assistance in Phase II implementation.
American Rivers - Will provide assistance on SHPO review and grant writing.
Middle Rogue Steelheaders, Rogue Flyfishers, Oregon Council of the Federation of Fly Fishers, Southern Oregon Fly Fishers, International Federation of Flyfishers - Are all providing funding.

Existing Plan: Yes

These dams adversely affect ESA listed SONCC coho salmon, fall chinook salmon, summer and winter steelhead, cutthroat trout and lamprey. Fielder Dam is listed as 4th and Wimer Dam is listed as 8th in priority on ODFW's 2013 Statewide Fish Passage Priority List. State and federal agencies have identified Evans Creek, and restoring access to high quality fish habitat in its upper reaches, as important to the recovery of Southern Oregon coho salmon, listed as threatened under the Endangered Species Act. (see ODFW's and NOAA Fisheries' lettters that are attached.) These SONCC coho salmon inhabiting Evans Creek are individuals of the Upper Rogue River (URR) population. The public draft SONCC coho salmon recovery plan (NMFS January, 2012) identifies this population as a core population vital to the recovery of SONCC coho salmon. Evans Creek is the most downstream watershed of significance within the geographic boundary of the URR SONCC coho salmon population. Due to this location, individuals of the URR population inhabiting Evans Creek are important for spatial and genetic diversity of the URR population. In general barriers are listed as a high stress factor for SONCC coho in the Upper Rogue River population (page 32-13 of the Draft Recovery Plan), and Fielder and Wimer Dams on Evans Creek are specifically identified as top targets for removal in the plan as they impede passage to nearly the entire Evans Creek watershed (page 32-17 of the Draft Recovery Plan). This project will eliminate the fish passage problems associated with these harmful dams by removing them and provide better access to 16 miles of habitat for chinook, 60 miles for coho, and 70 miles for steelhead. This project is also consistent with the 1997 Oregon Plan for Salmon and Watersheds, and ODFW's January 11, 2013 fall Chinook salmon conservation plan.

Affected Contacted: Yes

Affected Supportive: Yes

Affected Comments: Fielder and Wimer Dams are non-functional, abandoned irrigation diversion dams that no longer have water right holders using the dams as a point of diversion. Wimer Dam was constructed in 1902 and Fielder Dam was constructed in 1934, both to divert water into a canal for irrigation. Both dams served property downstream of the dams and were owned by ditch companies that no longer exist. Both dams were abandoned in the 1980's and the current owners of the land on which the dams lie got stuck with them, though they did not build them or have land that was irrigated by them. Over the last two years WaterWatch has worked with the landowners who own the land on which the dams are located, and has secured binding written agreements wherein the landowners have agreed to allow removal of the dams and the needed access to accomplish removal and the work related thereto. Steve and Sharon Keeton own the property on which Fielder Dam lies and Dean Wardle owns the property on which most of Wimer Dam lies and Diane Kewish owns the remaining property that abuts Wimer Dam. Diane Kewish does maintain an irrigation pump system that pumps water from Evans Creek

immediately upstream of the dam. This pumping station will have be redesigned and modified to remain operable after dam removal. Letters of support from the landowners are attached.

Project Schedule/Participants/Funding

Activity	Date	Participants
Project Planning	6/1/2014	WW, ODFW, River Design Group, Technical Team
Regulatory & Team Meetings	6/1/2015	WW, ODFW, River Design Group, Technical Team
Site Surveys and Project Base Maps	5/1/2014	River Design Group, ODFW
LiDar Work	5/1/2014	Contractor
Develop Hydraulic Model for Sites	6/15/2014	River Design Group
Collection of Sediment Core Samples	8/15/2014	River Design Group, Technical Team
Sediment Analysis	9/1/2014	Contractor
Technical Memo on Hydraulic Modeling & Sediment	9/15/2014	River Design Group
Technical Memo for County Flood Plain Permit	9/15/2014	River Design Group
30% Design for Dam Removal, Wimer Pump Station and Site Restoration	10/1/2014	River Design Group, ODFW, Technical Team
Implementation Cost Estimates	10/1/2014	River Design Group
Permitting Work	6/1/2015	ODFW, Technical Team, River Design Group
Final Design,Construction Bid Packages	6/1/2015	River Design Group, ODFW, Technical Team
Phase II Implementation Funding	6/1/2015	WaterWatch, ODFW, Geos Institute, American Rivers
Phase II Dam Removals	10/15/2015	Contractor, RDG, WW, ODFW, Technical Team

Affected Species:

Chinook Salmon
Coho Salmon
Cutthroat Trout
Lamprey
Steelhead

Project Permits

Name	Issued By	Secured?	Date Secured	Date Expected
Section 404	ACOE	No	1/1/0001	6/1/2015
Fill/Removal Permit	Oregon Division of State Lands	No	1/1/0001	6/1/2015
401 WaterQuality Certification	Oregon Department of Environmental Quality	No	1/1/0001	6/1/2015
NEPA/ESA Programatic Review	NOAA Fisheries	No	1/1/0001	6/1/2015
Section 106 Historical Review	Oregon State Historical Preservation Office	No	1/1/0001	6/1/2015
Flood Plain Review	Jackson County	No	1/1/0001	6/1/2015
Construction Permit	Jackson County	No	1/1/0001	6/1/2015
Fish Passage Permit	ODFW	No	1/1/0001	6/1/2015

Project Monitoring

Organization	Address	Activity	Frequency
Oregon Department of Fish & Wildlife	1495 E. Gregory Road Central Point, OR 97502	Review of Dam Removal Plans & Post Removal Inspections of the sites.	Review of plans before removals and review of sites after dam removals

Project Maintenance

This project has no maintenance plans.

Project Match Funding

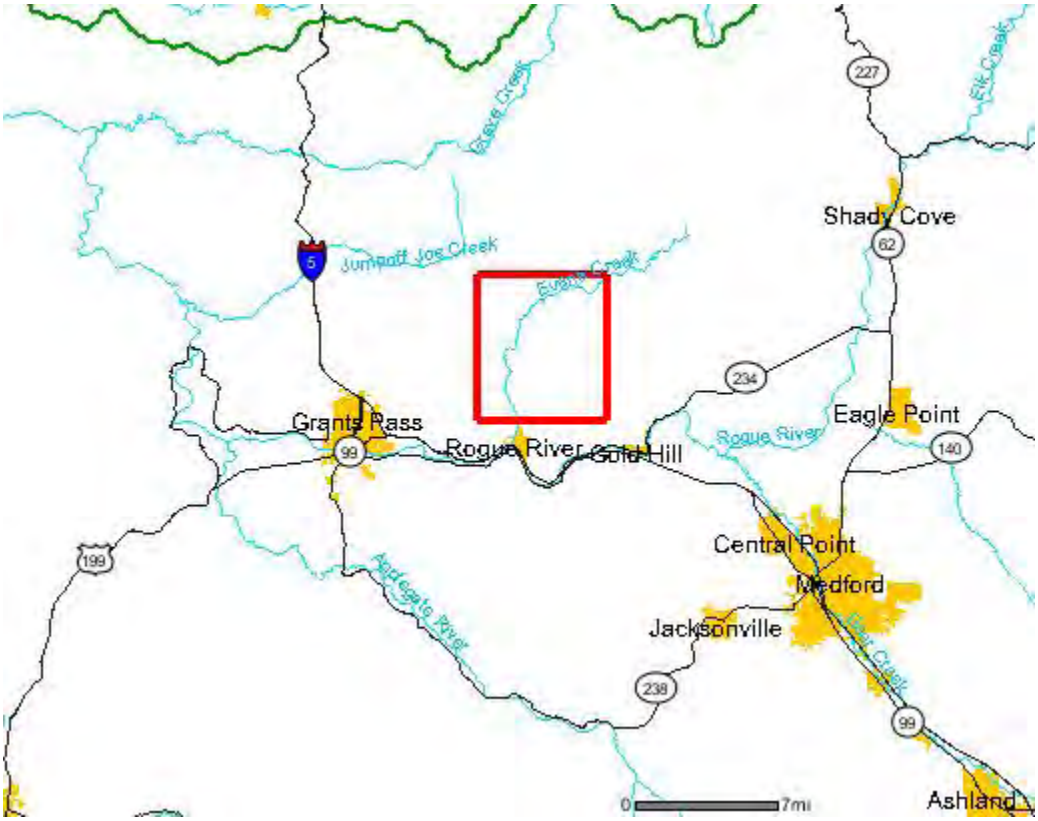
Funding Source	Cash	In-Kind	Other	Description	Total	Secured?	Conditions?	Comments
R&E Request	$58,202.00	$0.00	$0.00		$58,202.00	No	No	
Oregon Department of Fish & Wildlife	$5,000.00	$3,000.00	$0.00	Cash contributed to site survey work and in-kind related to survey assistance and technical assitance on permitting and design	$8,000.00	Yes	No	
Oregon Watershed Enhancement Board	$90,000.00	$0.00	$0.00	Two applications for $50,000 in technical assitance funding for each dam were submitted in October of 2013 and later were combined into one $90,000 grant.	$90,000.00	No	Yes	Must have 25% match, which the R&E grant would provide.
Oregon Department of Fish & Wildlife	$13,200.00	$0.00	$0.00	Application submitted to ODFW for this sum at ODFW's request	$13,200.00	No	Yes	Must have 40% match, which has already been raised.
Oregon Water Resources Department	$0.00	$1,500.00	$0.00	Technical Assitance, including water rights review	$1,500.00	Yes	No	
WaterWatch	$8,800.00	$0.00	$0.00	Funds raised from Middle Rogue Steelheaders, Rogue Flyfishers and Rogue Restoration Group to use as match for ODFW funds.	$8,800.00	Yes	No	
Geos Institute	$0.00	$1,500.00	$0.00	Fish biologist technical assistance on design and permitting.	$1,500.00	Yes	No	
American Rivers	$0.00	$2,426.00	$0.00	Technical Assistance on SHPO review.	$2,426.00	Yes	No	
EcoTrust-WWRI Grant	$50,000.00	$0.00	$0.00	Will be applied for in January for the project with focus on permitting, final design and contracting.	$50,000.00	Yes	No	

WaterWatch	$3,700.00	$0.00	$0.00	Funds raised from Southern Oregon Flycasters, Oregon Council of Federation of Fly Fishers and International Federation of Fly Fishers	$3,700.00	Yes	No	
				Total Match Funding:	$237,328.00			

Project Budget

Item	Item Type	Units	Unit Cost	R&E Funds	Match Funds	Total
Fiscal/Grant/Project Managment	Administration	250	$60.00	$0.00	$15,000.00	$15,000.00
30% Design and Permitting	Contracted Services	1	$52,860.00	$28,102.00	$24,758.00	$52,860.00
Final Design and Contracting Documents	Contracted Services	1	$30,100.00	$30,100.00	$0.00	$30,100.00
Hydraulic Modeling and Technical Reports	Contracted Services	1	$35,840.00	$0.00	$35,840.00	$35,840.00
Project Planning, Meetings, Project Coordination	Contracted Services	1	$18,488.00	$0.00	$18,488.00	$18,488.00
Sediment coring and Analysis	Contracted Services	1	$25,000.00	$0.00	$25,000.00	$25,000.00
SHPO review for both sites	Contracted Services	1	$15,000.00	$0.00	$15,000.00	$15,000.00
Site surveys, LiDar, Data Processing, Base Maps	Contracted Services	1	$31,640.00	$0.00	$31,640.00	$31,640.00
Technical Team Permit Assistance and Design Review	Personnel	150	$56.00	$0.00	$8,400.00	$8,400.00
Permitting Fees	Supplies/Materials /Services	1	$5,000.00	$0.00	$5,000.00	$5,000.00
					Total Budget:	$237,328.00

Project Map



Additional Files

Click a link to view that particular file.

American Rivers LOS

Fiedler Dam Dead Chinook

Fielder Dam

Fielder-Wimer Dam RDG Estimates 12-09-13 Update

Final Map Fielder

Geos Support Letter

Keeton ODFW Support Letter

Kewish ODFW Support Letter

NOAA Fielder Dam Technical Letter 10-16-12

NOAA Wimer Dam Technical Letter 10-18-2013

RIVER DESIGN GROUP, INC

Fielder & Wimer Dam Removal
Cost Estimate for Assessment and Design
December 9, 2013

Item	S. Wright, PE Senior Water Resources Engineer	C. Smith, PE Water Resources Engineer	R. Bartlett, PE Water Resources Engineer	P. Gruendike Biologist	T. Forsman Engr. Tech.	Sub contractor	Subtotal
Task 1 - Project Planning & Meetings							
- regulatory agency meeting	20		4				24
- landowner meetings	20		4				24
- coordination of sediment sampling & refrac study	12				8		20
- landowner and property research in reservoir area	8		8		12		28
- water rights research, maps for SHPO, wetlands, other exhibits	24				60		84
Direct Costs - Mileage, Per Diem							$ 1,308
Subtotal	$ 9,660	$ -	$ 1,520	$ -	$ 6,000	$ -	$ 18,488
Task 2 - Site Survey, Data Processing, Sediment Sampling							
- Field survey of channel, dam, and surrounding infrastructure and reservoir (bathymetry to merge with lidar)	20		30	30			80
- Process field data	4		16		8		28
- Generate base maps of existing site conditions	4		8	4	24		40
- Sediment core samples						$ 20,000	
- Sediment chemical analysis						$ 5,000	
- LiDAR for 2 miles of river						$ 14,000	
- SHPO review (Mark Tveskov / George Kramer)						$ 15,000	
Direct Costs - Mileage, Per Diem, Field Gear							$ 4,000
Subtotal	$ 3,220	$ -	$ 5,130	$ 2,890	$ 2,400	$ 54,000	$ 71,640
Task 3 - Hydraulic Modeling							
- Develop HEC-RAS model of existing conditions	20	24	40	4			88
- Develop HEC-RAS model of proposed conditions	20	24	40				84
- Estimate sediment mobility and distribution	12	24	16				52
- Provide technical memo on hydraulic modeling and sediment	24	8	8	8			48
- Technical memo for floodplain permit application	40	16	16				72
Subtotal	$ 13,340	$ 10,080	$ 11,400	$ 1,020	$ -	$ -	$ 35,840
Task 4 - 30% Dam Removal Design for Permit Submittal	**Assumes no Biological Assessment is necessary and project will fit under SLOPES 5**						
- Develop drawings for proposed dam removal phasing sequence	40		80		60		180
- Develop stabilization and restoration plans for reservoir area	24		80		60		164
- Develop work area isolation, fish passage plans	8		24		40		72
- Misc exhibits for permitting and permit assistance	8		24		20		52
- Two project meetings with stakeholders / regulatory agencies	16		24				40
- Water intake pump design for Wimer dam removal	12	16	16		12		56
Direct Costs - Mileage, Per Diem							$ 800
Subtotal	$ 12,420	$ 1,680	$ 23,560	$ -	$ 14,400	$ -	$ 52,860
Task 5 - Final Design and Contracting							
- Develop 100% drawing set for construction	60	20	40		80		
- Prepare bid package including specifications	24	8	40				
- Assist in bidding process and contractor selection	24		12				
	$ 12,420	$ 2,940	$ 8,740	$ -	$ 6,000	$ -	$ 30,100
	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Labor Hours:	444	140	530	46	384		1544
Billable Hourly Labor Rates	$115	$105	$95	$85	$75		
Subcontractors and Project Expenses						$ 54,000	$ 60,108
Total Labor Cost	$ 51,060	$ 14,700	$ 50,350	$ 3,910	$ 28,800	$ -	$ 148,820
						Total Cost Estimate	**$ 208,928**

Signature Authorization Page

I hereby make an application for financial assistance under the terms and conditions of the R&E Program as described in my project application.

I understand that if my project is approved for funding, the following will apply:

- All project sponsors must sign a grant agreement containing the terms and conditions on which funding will be released.
- Project expenses which occur before the grant agreement is signed or after the expiration date will not be paid by the R&E Program.
- Copies of all necessary permits must be submitted to the R&E Program.
- Project sponsors must certify compliance with local, state, and federal regulations and laws.
- Landowner, monitoring and maintenance agreements must be submitted to the R&E Program.
- Regular progress reports may be required, and at the end of each project a Completion Report must be submitted.
- Educational products resulting from projects are public domain.
- All information submitted to either party under this application is subject to the federal Freedom of Information Act.

Project Title: Fielder and Wimer Dam Removals Phase I

Applicant: WaterWatch of Oregon

Date: 12-10-2013

Fiscal Officer: [redacted] 12-3-2013

John DeVoe

Date: 12-10-2013

WATERWATCH

PROTECTING NATURAL FLOWS IN OREGON RIVERS

April 11, 2014

Oregon Department of Fish and Wildlife
Restoration and Enhancement Board
4034 Fairview Industrial Drive SE
Salem, OR 97302

RE: WaterWatch Fielder and Wimer Dam Removals Phase I Grant Application

Dear Review Team and R&E Board Members:

WaterWatch submitted an R&E Grant Application entitled Fielder and Wimer Dam Removals Phase I in December 2013. The application received a favorable rating from the review team and came before the R&E Board at its March 6th, 2014 meeting. The application was tabled for reconsideration at the R&E Board's June meeting.

Since the March meeting, a $50,000 WWRI grant from EcoTrust has been secured by American Rivers for this project, which allows us to reduce the amount of our initial grant request from $75,000 to $58,202. In addition, our two $50,000 grant applications before OWEB have been combined into a single request for $90,000. This grant has been recommended for funding but does not come before the OWEB board until later this month. The project match funding and budget from the initial R&E grant request has been modified accordingly. In addition, in order to keep the project on schedule for dam removals in 2015, since R&E funds would not be available until September, 2014, the budget was also modified to apply R&E funds, if awarded, to contract services for engineering to final design, permitting and contract document preparation that would occur after R&E funds became available. Other necessary project work will begin this summer with other funding that has been secured.

The initial review team had a number of comments that have been addressed in a response dated February 20, 2014, which response is included with this letter. In addition, at the March R&E Board Meeting, three issues arose that need a further response.

The first issue concerned a reluctance to fund feasibility studies rather than implementation. Though the project is broken down into Phase I and Phase II work all Phase I work is necessary for and a part of implementation. The work will provide the information, reports and engineering needed for the Section 404 ACOE permit, ODSL Fill//Removal Permit, ODEQ Water Quality Certification, Jackson County Flood Plain Permit, and NEPA and ESA compliance. In addition since the structures are over 50 years old a cultural and historical review must be done and approval from the State Historic Preservation Office (SHPO) must be secured. The sediment analyses and other

information gathered will inform the manner in which the dam removals are conducted, not whether they can be removed. Also, with the reduction in the R&E funding request and the shift in the budget as stated in the second paragraph, R&E funds will now be applied more toward the implementation end of the spectrum.

The next issue concerned possible contamination of the sediment behind the dams. First, the permitting process that is required is designed to address this issue. That is why sediment sampling and analysis is required and is part of the Phase I work. Second, there is no reason to believe there will be any problem with the sediment. Evans Creek empties into the Rogue River just upstream of the old Savage Rapids Dam site and no sediment contamination was found in the sediment above that project after very thorough testing. No contamination was found in the sediment above Gold Ray Dam either. There have been unsubstantiated and irresponsible claims of chromium contamination from the release of sediment after these dam removals, prompting the City of Grants Pass, which has its municipal water intake downstream from these projects, to test post information on its water testing showing there is no contamination. (See the City's posting included with this letter). The claims have also prompted DEQ to submit a memo on this issue which indicates that testing has shown that there is not a chromium problem in the Rogue and that the Rogue dam removals have not increased chromium levels (a copy of this memo is included).

The last issue concerned landowner support for Fielder Dam removal and the status of litigation that had been filed in respect to the harm Fielder Dam causes to ESA listed coho salmon. The landowner agreement between WaterWatch and the landowners of Fielder Dam is included. Section X of that agreement addresses the litigation. To summarize the agreement:

- WaterWatch agreed to seek funding for dam removal and to work with conservation and state and federal agency partners to implement dam removal at no cost to the landowners. (WaterWatch is carrying out its commitments in part by applying for this grant.)
- The landowners have agreed to allow dam removal, have agreed to cooperate and support funding for dam removal and to allow access over their property for dam removal. (The landowners supplied a letter of support for this grant.)
- By agreement, the litigation has been put on hold and will be dismissed once the dam is removed. (See Section X of the Agreement.)

The two agreements with the two separate landowners of the land on which Wimer Dam lies are also included, and letters of support for this grant have already been provided by them as well.

This is a great project that will greatly enhance the production of salmon and steelhead in the Rogue Basin. The project is a very high priority for the Oregon Department of Fish & Wildlife as the project will result in the removal of two of the top ten priority fish passage barriers on ODFW's fish passage priority list. The project is supported by local, regional and national sportfishing organizations as well as state and federal agencies. After a site visit last month, USFWS and BLM officials have indicated they would like to

be project partners and assist with the project both financially and by assisting with environmental review and permitting. A meeting with state and federal permitting agencies and with state, federal and conservation partners is set for May 22nd. The project continues to gain momentum and R&E funding is a key factor in moving this project toward completion next year.

Thanks for your consideration of this grant request.

Sincerely,

[redacted]

Bob Hunter
WaterWatch

WATERWATCH

PROTECTING NATURAL FLOWS IN OREGON RIVERS

February 20, 2014

Oregon Department of Fish and Wildlife
R&E Program Board & Fish Division
4034 Fairview Industrial Drive SE
Salem, OR 97302

RE: Response to Review Team Comments - Fielder and Wimer Dam Removals Phase I

Dear R&E Board Members:

WaterWatch would like to thank the review team for their time and careful review of the grant request. We also thank the board for the opportunity to respond. We have restated the review team comments below and have placed our response to the individual review team comments in bold below those review team comments that were in need of a response.

Summary of Review Team Comments:
The review team was supportive of this project and the subsequent benefits of removal of two high priority dams. However, there were several concerns raised and this was reflected in the diversity of overall project scoring (3-1's, 2-2's, and 4-3's). Most of the concern centered on the fact that this is only for design work and the cost associated with it.

This a tremendous opportunity to remove two of the top ten fish passage barriers on ODFW's 2013 Fish Passage Priority list as part of one project. After years of effort by state and federal agencies, one state senator, and a number of conservation groups, landowner agreements consenting to removal have finally been secured. All that is needed now is the funding necessary to move these important fish restoration projects forward.

The scope of Phase I work is much broader than just design work. It includes the survey work, Lidar, mapping, sediment sampling and chemical analysis, hydraulic modeling, sediment transport assessments, historical review, and flood plain review, all of which must be done to meet permitting requirements. The scope of work also includes permitting fees and securing the permits, final design and construction bid packages. This Phase I work will bring the project to a point where the project can be put out to bid in the spring of 2015 and the dams can be removed during the in-water work period of 2015, provided implementation funding can be secured. Though this work costs a lot, the work is necessary and the amounts budgeted for these tasks are very reasonable for a project of this size and nature.

Specific Review Team Comments:
• Removal design is a necessary step towards removing dams. Assisting OWEB with planning the removal of Fielder and Wimer dams is a good cost share for R&E to be involved in. This is the best passage project presented this cycle. Will open 60-70 miles of habitat.
• This is a good project that will remove two out dated, unused dams in the Rouge Basin. It will provide passage for multiple anadromous species allowing for access to significant amounts of spawning habitat. Most of the money will be used for engineering design; however, this money is needed as match for OWEB.
• Great to see the number of groups financially supporting this.
• Since this revolves around fish passage and is such a high priority, it seems like more screening and passage program dollars should be included. Why has the applicant not pursued these?

We did pursue this funding and it resulted in a $13,200 contribution from ODFW toward Phase I, which was difficult to get this cycle because of other commitments for these funds. This sum was matched by $8,800 from other sources for a total of $22,000. Also, the ODFW's SW Regional Office contributed $5,000 and staff time toward survey work at the sites. We will also be pursuing additional ODFW funding for the Phase II implementation phase of this project.

• These two projects are statewide fish passage high priorities. I recognized the project requests are expensive, but as a whole and if you look at each project separately, the funds R & E funds collectively are a great use of the R & E Program resources. These two projects will play a significant role in improving angler opportunities in the Rogue River basin.

The fact that 5 sport fishing organizations have already made a financial contribution toward this project demonstrates strong angler support.

Specific Review Team Concerns:
• This is very expensive for a project that only ends with a 30% design and permits. It is hard to imagine funders paying for phase 2 with only a 30% design or before phase 1 product is completed.

This phase 1 work actually includes work beyond a 30% design and permits, and will result in a final design and contracting documents. It is true that we will be applying for implementation funding before final design is complete, but the 30% design will provide the necessary information for implementation grant applications and is a customary level of design work to provide implementation cost estimates. WaterWatch has participated in other significant restoration projects where this approach has been successfully taken, including GHID's Fish Passage Improvement Project, for which OWEB and the ODFW R&E Program provided implementation funding based on a 30% design, and Gold Ray Dam removal, where implementation funding was provided with less than a 30% design in place.

• Additional information on the quality of habitat upstream from the barriers might have been useful, but the support letters from ODFW and NOAA and the high priority rankings don't elevate this to a serious concern about the project. The applicant also appears to have coordinated well with ODFW, other agencies (OWRD), and the landowners.

Evans Creek is one of the Rogue Basin's larger tributaries and has high quality salmon and steelhead spawning and rearing habitat, the productivity of which has been greatly diminished by these dams. In addition to the information provided in the ODFW and NOAA support letters, it should also be noted that:

- **The West Fork Evans Creek subbasin, situated approximately 9 miles upstream of Wimer Dam and 15 miles upstream of Fielder Dam, provides over 20 miles of some of the best coho and steelhead spawning and rearing habitat in the upper Rogue sub-basin. Most importantly, West Fork Evans Creek produces good quantities of cold water year round, especially important for rearing coho and steelhead summer parr. West Evans is owned and managed by a mix of private timber interests and BLM. No water withdrawals for irrigation are present and no significant passage barriers exist. A variety of habitat enhancement projects have been implemented in and are ongoing in West Fork Evans Creek. These include large wood placement and forest road improvements to reduce sediment delivery to waterways.**

- **Pleasant Creek also provides excellent spawning and rearing habitat for coho and steelhead and is situated approximately 5 miles upstream of Fielder Dam (downstream of Wimer Dam). While the downstream reaches of Pleasant Creek flow sub surface in some years, it's middle and upper reaches provide continual or intermittant surface flow and good physical habitat, including excellent spawning gravel.**

- **Evans Creek above the confluence of the West Fork and above both dams also provides habitat suitable for spawning and rearing coho and steelhead. In some areas, the habitat is very good, but overall is of lesser quality than that of West Fork Evans Creek and Pleasant Creek. In its upper reaches, the water quality is very good.**

- **The mainstem of Evans Creek from its mouth upstream to the confluence with West Fork Evans Creek provides 19 miles of good quality spawning habitat for fall chinook salmon. Access to 16 miles of this habitat is severely limited by Fielder Dam and access to 10 miles of this habitat is severely limited by Wimer Dam.**

- **Numerous smaller tributaries are located upstream of both dams, many of which provide spawning, rearing and refuge habitat for coho and steelhead. While many of these streams are small and intermittant, providing better access to them will provide large benefits.**

• A better description of the "level" of blockage would have been useful.

ODFW has conducted redd and carcass counts that show Fielder Dam is essentially the upper limit of fall chinook production in Evans Creek even though there are 16 miles of high quality habitat for fall chinook spawning above the dam. Wimer is 6 miles above Fielder Dam and would block most fall chinook from getting up further even if they got by Fielder Dam. A summary of some of the ODFW survey work is below:

- **In a 1969 ODFW monthly report, 50 fall chinook redds were reported in 2.75 miles of Evans Creek below Fielder Dam, and no redds above.**
- **A 1981 spot check following renovation of the fishway at Fielder Dam found no fish above the dam.**
- **In November 1984, one fall chinook redd and one carcass were found in Evans Creek two miles above Fielder. This was reported as the first positive evidence of salmon passing Fielder in many years.**
- **In November 2000, a low water year, fall Chinook salmon were found dead near the ladder at Fielder Dam apparently jumping and landing on dry ground outside of the ladder.**
- **In 2010, 40 fall chinook redds/mi below Fielder, 17 redds/mile between the dams and 2 chinook carcasses above Wimer Dam.**
- **In 2011, 71 fall chinook redds/mi below Fielder, 12 redds/mile between the dams and 0 redds above Wimer Dam.**
- **Additionally, ODFW has observed steelhead and coho unsuccessfully attempting to pass the dams. This can cause injury and delay in spawn timing. While the ladders at each dam are inadequate, they are also maintenance issues for local ODFW staff.**

The following specific problems have been identified at both of the dams:

- **Fish are killed, injured, delayed or blocked at the dams as the existing ladders do not meet state or federal criteria for jump heights, velocities, or attraction flows.**
- **Water flowing over the dams creates false attraction flows for fish - there are numerous reported observations of salmon and steelhead jumping against the face of the dams.**
- **Adult fish are able to pass under only a limited range of flow conditions. Flow conditions must be ideal for passage.**
- **Juvenile fish cannot pass at any flow.**
- **Fish jump out of the fish ladders, demonstrating insufficient freeboard, and are stranded on rocks and die.**
- **Debris and sediment accumulate in the ladders and make passage even more difficult.**
- **The entrance to the ladder at Wimer Dam is located downstream and faces opposite of the dam making it very difficult for fish to find the entrance.**
- **The abandoned headgates on the old irrigation canals are often open or overtopped, diverting and stranding fish.**

- **The reservoir pools above the dams inundate spawning areas (approximately .7 miles long above Fielder Dam).**
- **The reservoir pools are shallow and slow, thereby creating conditions for increased predation and habitat for non-native species.**

• This seems like a large sum of funds for the design of two dam removals, especially since this is only for 30% design and one sits on a bedrock sill. Did someone from ODFW investigate if ODFW engineers could facilitate the design of the two dam removals? ODFW has done similar designs in house for $40-60,000 per dam (or $75-100,000 for both). Did other firms provide estimates of design services for this project?

As indicated above, Phase I does include work to final design. The budget allocates $52,860 for 30% design and permitting for both dams, and $30,100 for final design and contract documents for a total of $82,960 allocated for both dams to not only get to final design, but for permitting and contract document preparation work as well. This is well within the range stated in the comment.

We did not seek estimates with other firms, but did vet the estimates via conference call with ODFW personnel (Greg Apke, Alan Ritchey, Dan VanDyke, Brad Fuss, Rich Kilbane, and JayDoino). We selected River Design Group because of its exceptional work on other Rogue River dam removals, its good relationship with the permitting agencies, its rapport with landowners, and because they have provided considerable pro bono services for preliminary work on these projects.

• Presumably the pump station to be modified has water right for the withdrawal but this was not discussed in the application.

The pump station does have a valid legal water right to divert out of Evans Creek. The dam is not the point of diversion for the water right, but as a practical matter the dam does create a pool that the water right holder uses to pump water from. This pool will disappear with dam removal. The water right holder is one of the landowners, who owns land adjacent to the dam, and as part of WaterWatch's agreement with the landowner to consent to dam removal, it was agreed, that as part of the dam removal project, the landowner's pump system would be modified as needed to remain operable.

• If this is funded how likely will it be that R&E funds will be sought in the future for removal. What is the estimate of future R&E funds needed for removal?

We won't have a budget for the implementation costs until we have the sediment/environmental assessments and the 30% design complete, but if there are not any major issues that arise from the environmental assessments it is believed that the total cost to remove of both dams would be between $500,000 to $600,000 (there are significant cost saving in doing these two projects together at one time). OWEB has a cap on technical assistance grants, but we will be relying on a much higher level of contribution from OWEB for implementation of these dam removals.

We would also like to see a federal contribution toward implementation of this project, and in this regard, on March 13, we will be taking staff from the USFWS and BLM on a site visit and discuss federal funding opportunities. We have also partnered with Geos Institute and American Rivers, and together we are exploring other funding sources. We would like to seek R&E funds for phase II dam removal implementation work in the $50,000 to $100,000 range.

Thanks for your consideration of the grant request and these comments.

Sincerely,

[redacted]

Bob Hunter
WaterWatch

State of Oregon
Department of Environmental Quality Memorandum

To: Dan VanDyke - ODFW **Date:** April 8, 2014

From: Bill Meyers, DEQ Medford, Rogue Basin Coordinator
Bill Mason, DEQ Eugene, Groundwater Hydrologist

Subject: Hexavalent Chromium and Dam Removal in the Rogue Basin

What is the issue?
Some southern Oregonians have claimed that the removal of the Gold Ray and Savage Rapids dams has increased the concentrations of hexavalent chromium in the Rogue River, and now are concerned that the removal of additional dams will make the problem worse.

What are the levels on the Rogue and where have they been detected? Any evidence that dam removal has affected levels?
Recent DEQ sampling events (2011) on the main stem of the Rogue River indicate that hexavalent chromium concentrations in surface water vary from about 0.09 micrograms per liter (µg/L) to 0.13 µg/L. There were no differences between upstream and downstream concentrations, which demonstrates that the dam removal has not affected Rogue River water quality.

In the Coos Bay area, extensive testing conducted at DEQ's direction has shown that naturally occurring hexavalent chromium levels in area streams are about 10 times higher than the naturally occurring hexavalent chromium values we see in the Rogue River.

The Environmental Working Group, an environmental health research and advocacy nonprofit organization, commissioned tests of drinking water sources across the United States in 2009. They found that hexavalent chromium concentrations in the water supplies of 35 US cities ranged from non-detect to about 2 µg/L, with a single outlier of 12.9 µg/L in Norman, Oklahoma. The average of their results was 0.18 µg/L, which is higher than the maximum concentrations found in the DEQ Rogue river samples.

In a Water Research Foundation funded study (Frey 2004), in a survey of 407 source waters, total chromium (which is comprised of both hexavalent chromium and trivalent chromium) was found in both groundwater and surface waters. The average and median concentrations found in that study were 2 µg/L and 0.8 µg/L, respectively.

Based on the tight clustering of hexavalent chromium results across the nation in a wide range of geologic settings (and with no indication that the low concentrations were caused by human activities), DEQ has concluded that these low concentrations are most likely to represent naturally occurring background of the metal.

Has DEQ reviewed permit applications for recent large passage projects on the Rogue?
DEQ reviews permit applications for dam removals. Section 401 of the federal Clean Water Act requires that any federal license or permit to conduct an activity that may result in a discharge to waters of the United States must first receive a water quality certification (WQC) from the state in which the activity will occur. DEQ is part of the multi-agency team who reviews sediment data using an established sediment evaluation framework. Other members of the team include the USACE, EPA – Region 10 (co-lead), National Marine Fisheries Service and the U.S. Fish and Wildlife Service. This team reviewed the sediment data for both Savage Rapids and Gold Hill dams prior to their removal.

Any unforeseen problems coming from recent large passage projects on the Rogue?
No. Data indicate that hexavalent chromium concentrations above and below where Savage Rapids dam was removed are virtually identical. DEQ would expect other dam removal projects to yield similar results of no

hexavalent chromium impacts due to dam removals in other portions of the Rogue basin. However DEQ will continue to review sediment data for projects in the Rogue Basin as part of the multi-agency team.

Will DEQ continue to review permit applications for large passage projects on the Rogue?

Yes. Section 401 of the Clean Water Act authorizes DEQ to ensure that activities will meet water quality standards established by the state under the Clean Water Act. By ensuring a project does not degrade water quality, Oregon's waters remain safe for a wide range of uses, such as drinking water, recreation, fish habitat, aquatic life, and irrigation.

CITY OF GRANTS PASS

From the City's website: http://www.grantspassoregon.gov/Index.aspx?page=1

Chromium 6 Information

Printer Friendly

In light of the recent media spotlight on Hexavalent Chromium (Chromium-6) the City Of Grants Pass Public Works Department is providing the following facts related to Chromium-6 in its water and what the City is doing to monitor Chromium-6 levels in the Rogue River and Grants Pass water distribution system.

Update!

California has proposed the first ever drinking water standard for Chromium-6 in the nation. The proposed Maximum Contaminant Level for Chromium-6 has been set at 10 parts per billion. The proposed rule has now opened for public comment and hearings will be held in early October. It should be noted that the levels of Chromium-6 in Grants Pass' water average **40 - 50 times** lower than California's proposed standard.

To read more about the proposed rule and the process to follow:

- AWWA Press Release on Californias Proposed Chromium Standard
- More Information from California Department of Public Health
- Response from the Cal-Nevada Section of the AWWA

History

Chromium is a naturally occurring element with three main forms found in the environment: chromium-0, chromium-3 and chromium-6. Chromium is widely used in manufacturing processes and can be found in many consumer products such as wood treated with copper dichromate, leather tanned with chromic sulfate and stainless steel cookware. Individuals may be exposed to chromium through inhalation, ingestion and skin contact. Chromium-3 is a nutrient required to metabolize sugars and lipids.

Chromium-6 is generally used or produced in industrial processes, but can be found naturally. Chromium-6 has been demonstrated to be a carcinogen when inhaled and studies are ongoing to determine if it can also be a carcinogen when ingested.

On January 11, 2011, in response to a report by the Environmental Working Group (EWG), the Environmental Protection Agency (EPA) issued a press release and guidance document to water providers around the country. In that document the EPA strongly suggested that communities test their water for the presence of Chromium-6.

The American Water Works Association, (AWWA) an international nonprofit scientific and educational society dedicated to safe water, responded to Ms. Lisa Jackson, Administrator of the EPA. The purpose of this response was to contest the method in which the Administration was asking utilities to test for Chromium-6 in the water. Objections included that no fully validated analytical method was being employed, nor are there fully validated standards for laboratories to use. The AWWA also contested the method in which utilities are being asked to test and that the Administration was not following the guidelines of the Safe Drinking Water Act and the scientific principals upon which it relies to set drinking water standards. The AWWA also felt that as the EPA

has not completed the risk assessment of chromium-6, utilities could not provide information to their consumers if they tested positive and what is the possible health risk was if they did.

What is the City of Grants Pass Doing?

With support of the City Council, water division staff initiated a testing regimen in accordance with EPA recommendations to determine if Chromium-6 was present in the water supply. Initial samples were taken on February 1, 2011 and results were received a week later showing that there were trace amounts of Chromium-6 in both the Rogue River and the Grants Pass drinking water. Results ranged between 0.075 and .230 micrograms per liter (µg/L) or parts per billion (ppb). A press release was issued by Public Works Administration to inform our customers of the results. Additional tests have shown that the levels of Chromium-6 range between 0.075 and 1.1 ppb.

The City is currently required to test annually for total chromium. Water distributed to our customers may not exceed 100 µg/L or ppb. Samples were taken on January 26, 2011 and tested for low levels of total chromium with result reported between 0.193 and 0.841 µg/L or ppb.

The data is summarized in the table at the bottom of this page, and will be updated monthly as new test data is received.

Based on positive test data obtained in this initial round of testing, the City has elected to institute a monthly sampling protocol for both Total Chromium and Chromium-6 in for the next 12 month period. This is to allow Public Works staff to get a better sense of the extent of Chromium levels in both the source and treated water. During this period staff will also examine how seasonal variations affect Chromium-6 concentrations, whether it is converting from chromium-3 to Chromium-6 in the distribution system and will also explore treatment options should it become necessary to remove Chromium-6 from the water if the levels found in the City's water are determined to pose a hazard by the EPA and the scientific community.

So What Do the Measured Units Mean?

We know that Chromium-6 has been found in the Grants Pass water supply, but how much is it? The units expressed above are in µg/L or parts per billion. 1 µg/L is equivalent to one drop in 13,750 gallons. So, at the highest amount tested it is less than one quarter of a drop in 13,750 gallons! Another way to look at it is it is equivalent to less than 2 drops into an Olympic sized swimming pool. The numbers are very small, and until fairly recently could not even be tested for!

Grants Pass Water is in Compliance With All Current Drinking Water Rules.

The Grants Pass Public Works Department wants to assure its users that it is in compliance with all Federal, State and Local regulations in regards to drinking water quality. We encourage our consumers to visit the State of Oregon Drinking Water pages and review our data through the Safe Drinking Water Information System (SDWIS). The SDWIS System will show consumers what Grants Pass has tested for in the past, what the results were for specific chemicals, and any violations we have received. A link to the City of Grants Pass' page is HERE.

As an example, the following link will take you to the page for Single Analyte Results (http://170.104.63.9/chemssingle.php?pwsno=00342). By selecting "Chromium (1020)" from the drop down box you will see all of the total chromium results for the City since August of 1986. We are pleased to say that at the level that we have historically been required to test for total chromium it was present in 1 sample at levels far less than what is allowed by current regulations.

Where Can I Get More Information?

Check back on this page often. As we receive more information we will pass that along via this page. Future updates will include test results, updated information from the EPA on toxicity risk from chromium-6 and regulatory process as the EPA moves to set regulatory limits.

City Press Releases Relating to Chromium-6:

- February 18, 2011
- March 10, 2011
- March 18, 2011

More information about the Grants Pass water system can be found at: http://170.104.63.9/inventory.php?pwsno=00342

The American Water Works Association has included a wealth of information on their Chromium 6 page with links to other sources as well: http://www.awwa.org/legislation-regulation/regulations/chemical-contaminants/hexavalent-chromium.aspx

More information on Chromium can be found on the EPA's Drinking Water website at the following address. http://water.epa.gov/drink/info/chromium/index.cfm

Basic Information on Chromium in drinking water can be found at: http://water.epa.gov/drink/contaminants/basicinformation/chromium.cfm

More information about the EPA's ongoing risk assessment of chromium-6 in drinking water can be found at: http://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=221433

Report on Chromium-6 by the World Health Organization (WHO): http://www.who.int/water_sanitation_health/dwq/chemicals/chromium/en/ and a Quick Link to their Summary Statement on Chromium-6: http://www.who.int/entity/water_sanitation_health/dwq/chemicals/chromiumsum.pdf

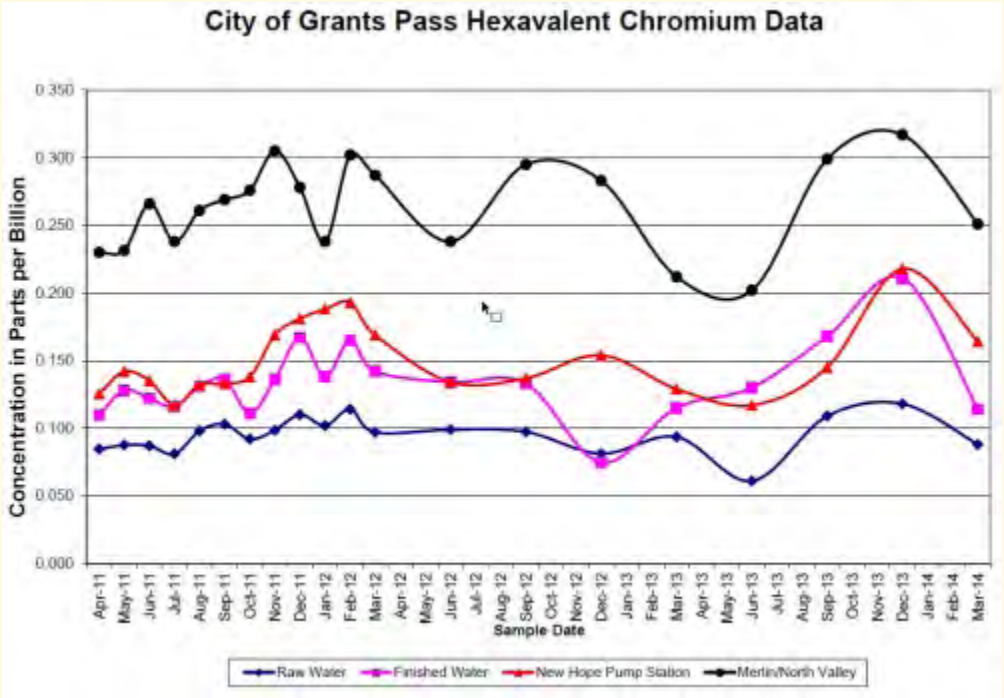
Additionally, if you as a consumers are concerned about the amount of Chromium-6 in the Grants Pass Water Supply, the EPA provides links to sources that certify equipment for the removal or Chromium from drinking water: the National Sanitation Foundation (NSF): http://www.nsf.org/Certified/DWTU/ and the Water Quality Association: http://www.wqa.org/sitelogic.cfm?id=1165 Both of these organizations maintain lists of devices that are approved for the removal of Chromium-6 from drinking water.

It is important to note that home treatment units require careful monitoring and regular maintenance to reliably remove constituents from the drinking water. Improperly installed, operated or maintained devices can actually add to water quality problems in the home.

City of Grants Pass Chromium-6 Data.

Hexavalent Chromium Data									
		Location							
Laboratory	Test Date	Raw Water		Finished Water		New Hope Pump Station		Merlin/North Valley	
MWH Labs	2/1/2011	**0.075**	µg/L	**0.140**	µg/L	**0.140**	µg/L	**0.230**	µg/L
MWH Labs	3/1/2011	**0.880**	µg/L	**1.100**	µg/L	**0.940**	µg/L	**0.910**	µg/L
MWH Labs	4/6/2011	**0.081**	µg/L	**0.100**	µg/L	**0.120**	µg/L	**0.210**	µg/L
Neilson Lab	4/6/2011	**0.088**	µg/L	**0.120**	µg/L	**0.131**	µg/L	**0.250**	µg/L
MWH Labs	5/3/2011	**0.087**	µg/L	**0.110**	µg/L	**0.140**	µg/L	**0.230**	µg/L
Neilson Lab	5/3/2011	**0.088**	µg/L	**0.146**	µg/L	**0.144**	µg/L	**0.233**	µg/L
Neilson Lab	6/7/2011	**0.087**	µg/L	**0.122**	µg/L	**0.135**	µg/L	**0.266**	µg/L
Neilson Lab	7/5/2011	**0.081**	µg/L	**0.116**	µg/L	**0.117**	µg/L	**0.238**	µg/L
Neilson Lab	8/2/2011	**0.098**	µg/L	**0.131**	µg/L	**0.132**	µg/L	**0.261**	µg/L
Neilson Lab	9/6/2011	**0.103**	µg/L	**0.136**	µg/L	**0.133**	µg/L	**0.269**	µg/L
Neilson Lab	10/4/2011	**0.092**	µg/L	**0.111**	µg/L	**0.138**	µg/L	**0.276**	µg/L
Neilson Lab	11/1/2011	**0.099**	µg/L	**0.136**	µg/L	**0.169**	µg/L	**0.305**	µg/L
Neilson Lab	12/5/2011	**0.110**	µg/L	**0.167**	µg/L	**0.181**	µg/L	**0.278**	µg/L
Neilson Lab	1/3/2012	**0.102**	µg/L	**0.138**	µg/L	**0.188**	µg/L	**0.238**	µg/L
Neilson Lab	2/7/2012	**0.114**	µg/L	**0.165**	µg/L	**0.193**	µg/L	**0.302**	µg/L
Neilson Lab	3/6/2012	**0.097**	µg/L	**0.142**	µg/L	**0.169**	µg/L	**0.287**	µg/L
Neilson Lab	6/19/2012	**0.099**	µg/L	**0.134**	µg/L	**0.134**	µg/L	**0.238**	µg/L
Neilson Lab	9/4/2012	**0.097**	µg/L	**0.133**	µg/L	**0.137**	µg/L	**0.295**	µg/L
Neilson Lab	12/4/2012	**0.081**	µg/L	**0.075**	µg/L	**0.154**	µg/L	**0.283**	µg/L
Nielson Lab	3/5/2013	**0.094**	µg/L	**0.115**	µg/L	**0.129**	µg/L	**0.212**	µg/L
Nielson Lab	6/4/2013	**0.061**	µg/L	**0.130**	µg/L	**0.117**	µg/L	**0.202**	µg/L
Nielson Lab	9/3/2013	**0.109**	µg/L	**0.168**	µg/L	**0.145**	µg/L	**0.299**	µg/L
Nielson Lab	12/17/2013	**0.118**	µg/L	**0.211**	µg/L	**0.218**	µg/L	**0.317**	µg/L
Nielson Lab	3/6/2014	**0.088**	µg/L	**0.114**	µg/L	**0.164**	µg/L	**0.251**	µg/L

Split samples were taken on April 4, 2011 and again on May 3, 2011 and were sent to both MWH Labs and Neilson Research Corporation for analysis. As of March 2012 Sampling has been reduced from monthly to quarterly per EPA recommendations.



City of Grants Pass Total Chromium Data

Total Chromium Data									
		Location							
Laboratory	TestDate	Raw Water		Finished Water		New Hope Pump Station		Merlin/North Valley	
Brooks Rand	1/26/2011	0.841	µg/L	0.193	µg/L		µg/L		µg/L
Brooks Rand	3/1/2011	0.317	µg/L	0.160	µg/L	0.178	µg/L	0.244	µg/L
Brooks Rand	4/5/2011	0.909	µg/L	0.163	µg/L	0.151	µg/L	0.256	µg/L
Neilson*	4/5/2011	0.678	µg/L	0.140	µg/L	0.140	µg/L	0.260	µg/L
Brooks Rand	5/3/2011	0.375	µg/L	0.154	µg/L	0.161	µg/L	0.235	µg/L
Neilson*	5/3/2011	0.340	µg/L	0.160	µg/L	0.200	µg/L	0.250	µg/L
Neilson*	6/7/2011	0.509	µg/L	0.516	µg/L	0.200	µg/L	0.320	µg/L
Neilson*	7/5/2011	0.395	µg/L	0.278	µg/L	0.266	µg/L	0.330	µg/L
Neilson*	8/2/2011	0.347	µg/L	0.318	µg/L	0.340	µg/L	0.415	µg/L
Neilson*	9/6/2011	0.421	µg/L	0.234	µg/L	0.248	µg/L	0.378	µg/L
Neilson*	10/4/2011	0.652	µg/L	0.190	µg/L	0.148	µg/L	0.270	µg/L
Neilson*	11/1/2011	0.233	µg/L	0.149	µg/L	0.169	µg/L	0.326	µg/L
Neilson*	12/5/2011	0.232	µg/L	0.194	µg/L	0.192	µg/L	0.330	µg/L
Neilson*	1/3/2012	0.416	µg/L	0.207	µg/L	0.297	µg/L	0.338	µg/L
Neilson*	2/7/2012	0.483	µg/L	0.311	µg/L	0.362	µg/L	0.411	µg/L
Neilson*	3/6/2012	1.280	µg/L	0.132	µg/L	0.330	µg/L	0.234	µg/L
Neilson*	6/19/2012	0.499	µg/L	0.647	µg/L	0.687	µg/L	0.102	µg/L
Neilson*	9/4/2012	0.400	µg/L	0.257	µg/L	0.246	µg/L	0.378	µg/L
Neilson*	12/4/2012	2.450	µg/L	0.206	µg/L	0.287	µg/L	0.411	µg/L
Neilson*	3/5/2013	0.330	µg/L	0.183	µg/L	0.214	µg/L	0.248	µg/L
Neilson*	6/4/2013	ND	µg/L	ND	µg/L	ND	µg/L	ND	µg/L
Neilson*	9/3/2013	0.803	µg/L	ND	µg/L	ND	µg/L	0.499	µg/L
Neilson*	12/17/2013	0.542	µg/L	0.706	µg/L	0.704	µg/L	0.846	µg/L
Neilson*	3/6/2014	ND	µg/L	ND	µg/L	ND	µg/L	ND	µg/L

NOTE: for the Total Chromium testing performed on 6/4/2013 the Laboratory reported a sensitivity problem that raised the Minimum Reporting Level (MRL) for the tests performed on that day from the usual 0.05 ug/L to 0.4 ug/L. It is estimated that the results that would have been obtained, should the MRL have been lower, would be similar to the results above. When the MRL for a test is set excessively high levels below that point (in this case 0.4 ug/L) will not be known. If you have questions about how labs set MRL's for specific tests please take a look at the following websites for more information:

- http://water.usgs.gov/owq/OFR_99-193/minimum.html
- http://water.epa.gov/scitech/drinkingwater/labcert/analyticalmethods_ogwdw.cfm#four

COOPERATIVE LANDOWNER AGREEMENT

Wimer Dam Removal Project

This Agreement is entered into this 14th day of Sept, 2013 by and between WaterWatch of Oregon, (hereinafter referred to as WaterWatch), and Dean Wardle, (hereinafter referred to as Landowner).

Whereas, Dean Wardle is the sole owner of Tax Lot 301 in T35S4W of the Willamette Meridian, Section 11, Jackson County, Oregon (hereinafter referred to as Landowner's Property);

Whereas, an abandoned diversion dam, known as Wimer Dam, is on Evans Creek, and is partially located on Landowner's Property;

Whereas, Wimer Dam has been listed as one of the top ten fish passage priorities for the State of Oregon by the Oregon Department of Fish and Wildlife;

Whereas, WaterWatch, state and federal fishery agencies, conservation organizations, and sportsman's groups would like to have Wimer Dam removed because of the fish passage problems it creates for salmon and steelhead;

Whereas, Wimer Dam poses a liability risk to the Landowner;

Whereas, the Landowner consents to removal of Wimer Dam, and is willing to cooperate in the dam removal process and to grant access to Landowner's Property for dam removal and site restoration;

IT IS THEREFORE AGREED BETWEEN WATERWATCH AND LANDOWNER AS FOLLOWS:

I. WIMER DAM REMOVAL PROJECT:

The Wimer Dam Removal Project shall include inspections of Wimer Dam and Landowner's Property adjoining and surrounding the dam, the reservoir created by the dam and Evans Creek; reservoir sediment sampling and testing; other tests and sampling that may be required by permitting agencies; environmental review; permitting; engineering and design; pre-removal activities including site preparation and access preparation; removal of Wimer Dam and associated fish ladders; clean-up and debris removal on the Landowner's Property as a result of dam removal; restoration of the dam site and reservoir pool to a more natural condition with plantings of native vegetation; and annual monitoring of the site for up to three years after dam removal.

II. WATERWATCH OBLIGATIONS:

A. Funding. WaterWatch shall exercise due diligence and good faith to research and attempt to secure state, federal, and/or grant funding for implementation of the Wimer Dam Removal Project. WaterWatch is not committing to make any financial contribution to the Wimer Dam Removal Project and is not providing any representations, warranties or guarantees that such funding will be obtained.

B. Dam Removal. WaterWatch shall exercise due diligence to partner with state agencies, federal agencies and/or other partners and contractors to facilitate required testing, environmental review, permitting, and to otherwise facilitate implementation of the Wimer Dam Removal Project once funding satisfactory to WaterWatch has been identified and secured. WaterWatch is not obligated to serve as project manager, administrator, or a general contractor for the Wimer Dam Removal Project, and expects other project partners or assigns to serve in this capacity. WaterWatch shall cooperate in good faith with the Landowner to fund and implement this project.

C. Condition Precedent to WaterWatch Obligations. As part of the dam is located on property owned by another landowner, WaterWatch, at its sole option may elect to suspend moving forward with its obligations until a similar agreement is reached with the other landowner, or to move forward with removal of only that portion of the dam on Landowner's Property if removal of the portion that is on Landowner's Property will provide unobstructed fish passage. If WaterWatch elects to move forward with removal of only that portion of the dam on Landowner's Property, then the Wimer Dam Removal Project as defined in Section I, shall automatically be modified to only include removal of such portion of the dam that is located on Landowner's Property.

III. LANDOWNER'S OBLIGATIONS:

A. Consent. Landowner hereby consents to the removal of Wimer Dam, or a portion thereof as the case may be, and implementation of the Wimer Dam Removal Project as described in Section I above. This consent shall be for the benefit of WaterWatch, project partners (including state and federal agencies), project contractors, and assigns.

B. Cooperation. Landowner shall cooperate in good faith with WaterWatch, its project partners, project contractors and assigns to secure state, federal and/or grant funding for the Wimer Dam Removal Project, and in the implementation of the Wimer Dam Removal Project. The Landowner shall exercise due diligence and good faith to facilitate implementation of the Wimer Dam Removal Project. Landowner acknowledges that any required permits may have to be applied for in the Landowner's name and Landowner shall cooperate as necessary to secure permits for the Wimer Dam Removal Project. Notwithstanding the above, the Landowner is not committing to make any cash contribution to the costs of implementing the Wimer Dam Removal Project by entering into this Agreement.

C. Access. Landowner shall permit WaterWatch, its officers, agents, employees, and assigns, and project contractors, project funders, and project partners, access over and use of Landowner's Property as is reasonably necessary to assess, study, implement and monitor the Wimer Dam Removal Project. Landowner shall also permit contractors to store equipment, materials and supplies on Landowner's Property during the construction/demolition/restoration phase of the Wimer Dam Removal Project at a reasonable location to be mutually agreed upon between contractor and Landowner.

D. OWEB. Landowner is aware that WaterWatch will be seeking funding from the Oregon Watershed Enhancement Board (OWEB), and that if OWEB funding is provided the Landowner agrees to allow OWEB and its representatives access over Landowner's Property to the dam site and adjacent lands for inspections and evaluations of the Wimer Dam Removal Project. The Landowner is aware that information related to work under an OWEB grant is public information.

IV. CONTRACTORS:

While WaterWatch is serving only as facilitator and not as general contractor or project manager, WaterWatch will use its best effort and act in good faith to make sure that all contractors retained for work on the Wimer Dam Removal Project shall be licensed and insured. WaterWatch will further assist to ensure that all contracts with contractors for dam removal will contain provisions that provide:

a) Dam removal will be implemented in accordance with all applicable laws, rules, regulations, and permits;

b) The hours and days of work that contractors will be allowed to perform their work on Landowners' Property shall be coordinated with the Landowners, but Landowners agree they shall allow access at least Monday through Friday from 8:00 am to 5:00 pm, except state or national holidays;

c) Once actual dam removal work has been initiated, work specific to actual removal of the dam shall be completed in a reasonable time, which timeframe shall not exceed one in-water work period (June 15 to September 15 of the year dam removal work is initiated). The contractor shall be granted additional time, as necessary, where events beyond the contractor's control, including actions of the Landowners, affect the timing of the dam removal work.

d) Construction debris created by removal of the dam shall be removed from Landowners' Property;

e) The construction site will be cleaned up after dam removal and all debris, trash, equipment, materials and supplies will be removed.

f) The contractor shall also restore all ground cover and vegetation affected by its construction activities and by transporting equipment over Landowners' property, and shall decommission any roads that are constructed. This does not include restoration of the reservoir and dam site, which shall be accomplished after dam removal as set forth in Section 1 above.

g) Prior to removing the dam, Contractor shall pay to Landowner the sum of $5,000 for a license for access across and the use of his property to implement dam removal and remove debris. No physical part of the dam shall be removed until this fee has been paid.

V. LIMITATION OF LIABILITY:

A. WATERWATCH will be acting solely as a facilitator to secure funding, project partners, and project contractors to implement the Wimer Dam Removal Project. Landowner agrees that WATERWATCH shall have no responsibility or liability for the work performed or the results of the Wimer Dam Removal Project other than any obligations WaterWatch may incur directly on its own behalf with contractors.

B. The parties shall implement the Wimer Dam Removal Project in cooperation and consultation with the State Department of Fish and Wildlife or the Oregon Watershed Enhancement Board so that the Landowner will qualify for the liability protections offered by ORS 496.270(3).

VI. PRIOR AGREEMENTS/CONTRACTS:

This document represents the entire, final, and complete Agreement of the parties pertaining to the Wimer Dam Removal Project. WATERWATCH has made no commitments or Agreements with the Landowner that are not specifically set forth in this Agreement.

VII. MODIFICATIONS AND CHANGES:

No modification or amendment of this Agreement shall be valid unless in writing and signed by the parties.

VIII. REMEDIES:

Time is of the essence of this Agreement. The obligations and covenants of the parties to this Agreement are irrevocable during the term of this Agreement. In the event any party should fail to perform any terms or provisions of this Agreement, the non-breaching parties shall be entitled to all rights and remedies provided in law or equity including the right to specific performance.

IX. TERM:

The parties acknowledge that it will take some time to acquire the needed funding, to conduct the needed environmental review, to obtain the necessary permits, to do the contracting and to implement the project. Therefore, the parties agree that the term of this Agreement shall be the earlier of a date 5 years from the date of this Agreement or upon completion of dam removal, site restoration, and subsequent monitoring as described in Section I above. Notwithstanding the above, WaterWatch shall have the right to terminate this Agreement upon mailing a letter to Landowner, after two years, if adequate funding for dam removal has not yet been secured.

X. BINDING EFFECT:

This Agreement shall run with the land and shall be binding on and inure to the benefit of the parties and their respective heirs, successors and assigns, and to any subsequent owners of Landowner' Property. If Landowner should decide to sell or transfer Landowner's Property during the term of this Agreement, Landowner shall notify WaterWatch and provide a copy of this Agreement to any prospective purchaser and notify any prospective purchaser that this Agreement runs with the land and is binding on any subsequent landowner for the term of this Agreement.

It is acknowledged by Landowner that WaterWatch may find it desirable to partner with other entities to better implement the Wimer Dam Removal Project, and that all rights that WaterWatch has under this Agreement are also for the benefit of all WaterWatch designated partners and assigns.

XI. CONTACT INFORMATION:

WaterWatch

Contact Person:	John DeVoe
Address:	213 SW Ash St, Suite 208, Portland, OR 97204
Phone Number:	503-295-4039, ext. 1

Landowner

Contact Person:	Dean Wardle
Address:	9869 East Evans Creek Road, Rogue River, OR 97537
Phone Number:	541-582-1879

XII. LANDOWNERS' REPRESENTATION AND WARRANTY;

Landowner represents and warrants that he is the sole owners of Landowner's Property and he has the right to enter into this Agreement without the consent of any other party.

IN WITNESS WHEREOF, the parties set their hands on the date above written.

WaterWatch of Oregon

BY: [redacted] 9-2-13

John DeVoe, Executive Director

Landowner:

[redacted]

Dean Wardle

COOPERATIVE LANDOWNER AGREEMENT
Fielder Dam Removal Project

This Agreement is entered into this 26 day of June, 2013 by and between WaterWatch of Oregon, (hereinafter referred to as WaterWatch), and Steven and Sharon Keeton, (hereinafter collectively referred to as Landowners).

Whereas, Steven and Sharon Keeton are the sole owners of Tax Lots 200, 204 and 205 in T36S, R4W of the Willamette Meridian, Section 4, Jackson County, Oregon (hereinafter all identified lots are collectively referred to as Landowners' Property);

Whereas, an abandoned diversion dam known as Fielder Dam is located in Evans Creek and on Landowners' Property;

Whereas, WaterWatch, state and federal agencies, conservation organizations, and sportsman's groups would like to have Fielder Dam removed, because of the fish passage problems it creates for salmon and steelhead;

Whereas, WaterWatch has filed litigation in the United States District Court, District of Oregon, against Landowners and others to require removal of Fielder Dam or satisfactory mitigation of its impacts on fish (hereinafter the Litigation);

Whereas, the Landowners consent to removal of Fielder Dam, and are willing to cooperate in the dam removal process and to grant access to Landowners' Property for dam removal and site restoration;

IT IS THEREFORE AGREED BETWEEN WATERWATCH AND LANDOWNERS AS FOLLOWS:

I. FIELDER DAM REMOVAL PROJECT:

The Fielder Dam Removal Project shall include inspections of Fielder Dam and Landowner's Property adjoining and surrounding the dam, the reservoir and Evans Creek; reservoir sediment sampling and testing; pre-removal activities including site preparation and access preparation; removal of Fielder Dam and associated fish ladders; clean-up and debris removal on the Landowner's Property as a result of dam removal; restoration of the dam site and reservoir pool to a more natural condition with plantings of native vegetation and removal of old bridge I-beams, decking, concrete abutment, and debris; and annual monitoring of the site for up to three years after dam removal.

The Fielder Dam Removal Project shall consist of three phases. Phase 1 shall consist of a qualitative and quantitative assessment of sediment behind the dam, an assessment of the stream channel beneath the sediment, and assessment of the impacts of dam removal, including potential adverse impacts from sediment release on downstream diversions, and potential adverse impacts from elimination of the reservoir pool on upstream diversions and wells, and environmental review as necessary for obtaining required permits for removal; preliminary engineering for dam removal; and permitting. Phase 2 shall consist of dam removal and shall not begin until Phase 1 is completed. Phase 3 shall consist of restoration of the dam site and reservoir pool. Landowners will be consulted on plant restoration at the dam site and in the reservoir pool area

on Landowner's Property, and such plant restoration shall meet with their approval and such approval shall not be unreasonably withheld.

The parties agree to work together in good faith to implement the Fielder Dam Removal Project in accordance with their respective obligations as set forth in this Agreement. The parties also shall work together in good faith with contractors and state and federal funding and permitting agencies to identify potential adverse impacts from sediment release on downstream diversions, and potential adverse impacts from elimination of the reservoir pool on upstream diversions and wells, and to develop and incorporate reasonable measures in the final dam removal plans to address such impacts to the extent it is legally required to do so.

II. WATERWATCH OBLIGATIONS:

A. Funding. WATERWATCH shall exercise due diligence and good faith to research and attempt to secure state, federal, and/or grant funding for implementation of the Fielder Dam Removal Project. WaterWatch is not committing to make any financial contribution to the Fielder Dam Removal Project and is not providing any representations, warranties or guarantees that such funding will be obtained.

B. Dam Removal. WaterWatch shall exercise due diligence to partner with state agencies, federal agencies and/or other partners and contractors to facilitate required testing, environmental review, permitting, and to otherwise facilitate implementation of the Fielder Dam Removal Project once funding satisfactory to WaterWatch has been identified and secured. WaterWatch is not obligated to serve as project manager, administrator, or a general contractor for the Fielder Dam Removal Project, and expects other project partners or assigns to serve in this capacity.

III. LANDOWNERS' OBLIGATIONS:

A. Consent. Landowners hereby consent to the removal of Fielder Dam and implementation of the Fielder Dam Removal Project as described in Section 1 above. This consent shall be for the benefit of WaterWatch, project partners (including state and federal agencies), project contractors, and assigns.

B. Cooperation. Landowners shall cooperate in good faith with WaterWatch, its project partners, project contractors and assigns to secure state, federal and/or other grant funding for the Fielder Dam Removal Project, and in the implementation of the Fielder Dam Removal Project. The Landowners shall exercise due diligence and good faith to facilitate implementation of the Fielder Dam Removal Project. Landowners acknowledge that any required permits may have to be applied for in the Landowners name and Landowners shall cooperate as necessary to secure permits for the Fielder Dam Removal Project. Notwithstanding the above, the Landowners are not committing to make any cash contribution to the costs of implementing the Fielder Dam Removal Project by entering into this Agreement.

C. Access. Landowners shall permit WaterWatch, its officers, agents, employees, and assigns, and project contractors, project funders, and project partners, access over and use of Landowners' Property as is reasonably necessary to assess, study, implement and monitor the Fielder Dam Removal Project. Landowners shall also permit contractors to store equipment, materials and supplies on Landowners' Property during the construction/demolition/restoration phase of the Fielder Dam Removal Project at a reasonable location to be mutually agreed upon between contractor and Landowners.

D. OWEB. Landowners are aware that WaterWatch will be seeking funding from the Oregon Watershed Enhancement Board (OWEB), and that if OWEB funding is provided the Landowners agree to allow OWEB and its representatives access to and over Landowner's Property for inspections and evaluations of the Fielder Dam Removal Project. The Landowners are aware that information related to work under an OWEB grant is public information.

IV. CONTRACTORS:

While WaterWatch is serving only as facilitator and not as general contractor or project manager, WaterWatch will use its best effort to make sure that all contractors retained for work on the Fielder Dam Removal Project shall be licensed and insured. WaterWatch will further assist to ensure that all contracts with contractors for dam removal will contain provisions that provide:

a) Dam removal will be implemented in accordance with all applicable laws, rules, regulations, and permits;

b) The hours and days of work that contractors will be allowed to perform their work on Landowners' Property shall be coordinated with the Landowners, but Landowners agree they shall allow access at least Monday through Friday from 8:00 am to 5:00 pm, except state or national holidays;

c) Once actual dam removal work has been initiated, work specific to actual removal of the dam shall be completed in a reasonable time, which timeframe shall not exceed one in-water work period (June 15 to September 15 of the year dam removal work is initiated). The contractor shall be granted additional time, as necessary, where events beyond the contractor's control, including actions of the Landowners, affect the timing of the dam removal work.

d) Construction debris created by removal of the dam shall be removed from Landowners' Property;

e) The construction site will be cleaned up after dam removal and all debris, trash, equipment, materials and supplies will be removed, including removal of old bridge I-beams, decking, concrete abutment, and bridge debris.

f) The contractor shall also restore all ground cover and vegetation affected by its construction activities and by transporting equipment over Landowners' property. This does not include restoration of the reservoir and dam site, which shall be accomplished in Phase 3 as set forth in Section 1 above.

g) Prior to removing the dam, Contractor shall pay Steven and Sharon Keeton the sum of $5,000 for a license for access across and the use of their property to implement dam removal. No physical part of the dam shall be removed until this fee has been paid.

V. LIMITATION OF LIABILITY:

A. WATERWATCH will be acting solely as a facilitator to secure funding, project partners, and project contractors to implement the Fielder Dam Removal Project. Landowners agree that WATERWATCH shall have no responsibility or liability for the work performed or the results of the Fielder Dam Removal Project other than any obligations WaterWatch may incur directly on its own behalf with contractors.

B. The parties shall implement the Fielder Dam Removal Project in cooperation and consultation with the State Department of Fish and Wildlife or the Oregon Watershed Enhancement Board so that the Landowners will qualify for the liability protections offered by ORS 496.270(3).

VI. PRIOR AGREEMENTS/CONTRACTS:

This document represents the entire, final, and complete Agreement of the parties pertaining to the Fielder Dam Removal Project. WATERWATCH has made no commitments or Agreements with the Landowners that are not specifically set forth in this Agreement.

VII. MODIFICATIONS AND CHANGES:

No modification or amendment of this Agreement shall be valid unless in writing and signed by the parties.

VIII. REMEDIES:

Time is of the essence of this Agreement. The obligations and covenants of the parties to this Agreement are irrevocable during the term of this Agreement. In the event any party should fail to perform any terms or provisions of this Agreement, the non-breaching parties shall be entitled to all rights and remedies provided in law or equity including the right to specific performance. Further, should Landowners fail to perform for any reason, WaterWatch reserves the right to continue to pursue or reinitiate the Litigation.

IX. TERM:

The parties acknowledge that it will take some time to acquire the needed funding, to conduct the needed environmental review, to obtain the necessary permits, to do the contracting and to implement the project. Therefore, the parties agree that the term of this Agreement shall be the earlier of a date 5 years from the date of this Agreement or upon completion of dam removal, site restoration, and subsequent monitoring as described in Section I above. Notwithstanding the above and Section VIII of this Agreement, WaterWatch shall have the right to terminate this Agreement upon mailing a letter to Landowners, after two years, if adequate funding has not yet been secured.

X. LITIGATION:

Upon execution of this Agreement, WaterWatch agrees to request the district court to hold the Litigation in abeyance for the term of this Agreement, and to dismiss the litigation upon completion of the Fielder Dam Removal as described above. Should the court not agree to hold the Litigation in abeyance for the term of this Agreement, WaterWatch may, at its sole discretion, prepare a consent decree and the parties will enter into the consent decree incorporating the terms of this Agreement. WaterWatch will file the consent decree with a request for approval by the court. If no consent decree is filed, or if the court prefers a route different than a consent decree, WaterWatch will dismiss the Litigation without prejudice. Finally, if the Litigation has not previously been dismissed, upon removal of the dam and/or completion of their respective obligations under any consent decree, WaterWatch will dismiss the Litigation.

XI. BINDING EFFECT:

This Agreement shall run with the land and shall be binding on and inure to the benefit of the parties and their respective heirs, successors and assigns, and to any subsequent owners of Landowners' Property. If Landowners should decide to sell or transfer Landowners' Property

during the term of this Agreement, Landowners shall notify WaterWatch and provide a copy of this Agreement to any prospective purchaser and notify any prospective purchaser that this Agreement runs with the land and is binding on any subsequent landowner for the term of this Agreement.

It is acknowledged by Landowners that WaterWatch may find it desirable to partner with other entities to better implement the Fielder Dam Removal Project, and that all rights that WaterWatch has under this Agreement are also for the benefit of all WaterWatch designated partners and assigns.

XII. CONTACT INFORMATION:

WaterWatch

Contact Person:	John DeVoe
Address:	213 SW Ash St, Suite 208, Portland, OR 97204
Phone Number:	503-295-4039

Landowners

Contact Person:	Steven and Sharon Keeton
Address:	3316 W. Evans Creek Road, Rogue River, OR 97537
Phone Number:	541-582-1477

XIII. LANDOWNERS' REPRESENTATION AND WARRANTY;

Landowners represent and warrant that they are the sole owners of Landowners' Property and they have the right to enter into this Agreement without the consent of any other party.

IN WITNESS WHEREOF, the parties set their hands on the date above written.

WaterWatch of Oregon

BY: [redacted] 7-1-13
John DeVoe, Executive Director

Landowners [redacted]

[redacted] 6-26-2013
Steven Keeton

[redacted] 6-26-2013
Sharon Keeton

Diane Kewish
P.O. Box 1080
Rogue River, OR 97537

December 12, 2013

Oregon Department of Fish and Wildlife
R&E Program Board & Fish Division
4034 Fairview Industrial Drive SE
Salem, OR 97302

Oregon Watershed Enhancement Board
775 Summer St. NE, Suite 360
Salem, OR 97301-1290

RE: Wimer Dam Removal Project Grant Applications

To Whom It May Concern:

I own the land adjacent to the south bank of Evans Creek, and adjacent to Wimer Dam (Tax Lot 1600, T35S, R4W, of the Williamette Meridian, Section 11, Jackson County, OR and Tax Lot 500, T35S, R4W, of the Williamette Meridian, Section 12, Jackson County, OR). I have entered into an agreement with WaterWatch consenting to the removal of the dam, and to allowing access to any portion of my property that may be under the dam, under the reservoir created by the dam, or under Evans Creek for purposes related to dam removal. This consent is granted to WaterWatch, its partners (including the Oregon Department of Fish and Wildlife), project funders, and project contractors. Access to this portion of my property shall be from the north side of Evans Creek and not over the remainder of my property.

I am supportive of WaterWatch grant applications for funding related to dam removal, including funding to study the sediment and channel behind the dam, potential impacts of sediment release and elimination of the reservoir and dam, and to begin design work and permitting on dam removal, and ultimately for dam removal.

I will not be contributing any funds to the project.

Sincerely,

[redacted]

Diane Kewish

COOPERATIVE LANDOWNER AGREEMENT
Wimer Dam Removal Project

This Agreement is entered into this ____ day of _____, 2013 by and between WaterWatch of Oregon, (hereinafter referred to as WaterWatch), and Diane Kewish, (hereinafter referred to as Landowner).

Whereas, Diane Kewish is the sole owner of Tax Lot 1600 in T35S4W of the Willamette Meridian, Section 11, Jackson County, Oregon and Tax Lot 500 in T35S, R4W of the Willamette Meridian, Section 12, Jackson County, Oregon (hereinafter all identified lots are collectively referred to as Landowner's Property);

Whereas, an abandoned diversion dam, known as Wimer Dam, is on Evans Creek, and abuts and is adjacent to and may be partially located on Landowner's Property;

Whereas, Wimer Dam has been listed as one of the top ten fish passage priorities for the State of Oregon by the Oregon Department of Fish and Wildlife;

Whereas, WaterWatch, state and federal fishery agencies, conservation organizations, and sportsman's groups would like to have Wimer Dam removed because of the fish passage problems it creates for salmon and steelhead;

Whereas, the Landowner consents to removal of Wimer Dam, and is willing to cooperate in the dam removal process and to grant limited access to Landowner's Property for dam removal and site restoration;

IT IS THEREFORE AGREED BETWEEN WATERWATCH AND LANDOWNER AS FOLLOWS:

I. **WIMER DAM REMOVAL PROJECT:**

The Wimer Dam Removal Project shall include inspections of Wimer Dam and Landowner's Property adjoining and surrounding the dam, the reservoir created by the dam and Evans Creek; reservoir sediment sampling and testing; other tests and sampling that may be required by permitting agencies; environmental review; permitting; engineering and design; pre-removal activities including site preparation and access preparation; removal of Wimer Dam and associated fish ladders; clean-up and debris removal on the Landowner's Property as a result of dam removal; restoration of the dam site and reservoir pool to a more natural condition with plantings of native vegetation; and annual monitoring of the site for up to three years after dam removal.

The parties acknowledge that Landowner's pump system will have to be modified to continue to function after dam removal. As part of the Wimer Dam Removal Project, the Landowner's pump system will be modified as may be necessary to continue to provide

irrigation water to Landowner's property consistent with its water rights.

II. WATERWATCH OBLIGATIONS:

A. Funding. WaterWatch shall exercise due diligence and good faith to research and attempt to secure state, federal, and/or grant funding for implementation of the Wimer Dam Removal Project, including funding for any necessary alterations to Landowner's pumping system. WaterWatch is not committing to make any financial contribution to the Wimer Dam Removal Project and is not providing any representations, warranties or guarantees that such funding will be obtained.

B. Dam Removal. WaterWatch shall exercise due diligence to partner with state agencies, federal agencies and/or other partners and contractors to facilitate required testing, environmental review, permitting, and to otherwise facilitate implementation of the Wimer Dam Removal Project once funding satisfactory to WaterWatch has been identified and secured. WaterWatch is not obligated to serve as project manager, administrator, or a general contractor for the Wimer Dam Removal Project, and expects other project partners or assigns to serve in this capacity. The contract executed for the dam deconstruction phase of the Wimer Dam Removal Project shall contain the following provisions in favor of Landowner:

1. Indemnity: To the fullest extent permitted by law, the Contractor shall defend, indemnify and hold the Landowner harmless from all claims for bodily injury and property damage, other than to the Wimer Dam Removal Project ("Work") itself, that may arise from the performance of the Work, but only to the extent of the negligent acts or omissions of the Contractor, Subcontractors, or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable. The Contractor shall not be required to defend, indemnify or hold harmless the Landowner, or others for any negligent acts, omissions of the Landowner, or others.

2. Insurance:

   2.1. Prior to the start of the Work and throughout the course of the work, the Contractor shall procure and maintain in force Workers Compensation Insurance and Commercial General Liability Insurance (CGL). The CGL policy shall include coverage for liability arising from premises operations, independent contractors, and contractual liability. If requested, the Contractor shall provide the Landowner with certificates of the insurance coverages required.
   The Contractor's Commercial General Liability policies, as required in this Subparagraph 2.1, shall be written with at least the following limits of liability:

   Commercial General Liability Insurance

- $1,000,000.00
  Each occurrence

- $2,000,000.00
  General aggregate

2.2. Commercial General Liability coverages required under Subparagraph 2.1 may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by Excess and/or Umbrella Liability policies.

2.3. The Contractor shall maintain in effect all insurance coverage required under Subparagraph 2.1 with insurance companies lawfully authorized to do business in the State of Oregon.

C. Condition Precedent to WaterWatch Obligations. WaterWatch has reached an agreement for removal of the dam with Dean Wardle, the property owner on which the northwesterly portion of the dam is located. In the event the agreement with Mr. Wardle is terminated or breached, WaterWatch, at its sole option, may elect to suspend moving forward with its obligations under this agreement.

III. LANDOWNER'S OBLIGATIONS:

A. Consent. Landowner hereby consents to the removal of Wimer Dam, or a portion thereof as the case may be, and implementation of the Wimer Dam Removal Project as described in Section I above. This consent shall be for the benefit of WaterWatch, project partners (including state and federal agencies), project contractors, and assigns.

B. Cooperation. Landowner shall cooperate in good faith with WaterWatch, its project partners, project contractors and assigns to secure state, federal and/or grant funding for the Wimer Dam Removal Project, and in the implementation of the Wimer Dam Removal Project. Landowner acknowledges that any required permits may have to be applied for in the Landowner's name and Landowner shall cooperate as necessary to secure permits for the Wimer Dam Removal Project. Notwithstanding the above, the Landowner is not committing to make any cash contribution to the costs of implementing the Wimer Dam Removal Project by entering into this Agreement, and if there are any costs associated with such permits or bonds required by the Project all parties acknowledge that Landowner shall have no responsibility for any such costs, fees, bond premiums or expenses.

C. Access. Landowner shall permit WaterWatch, its officers, agents, employees, and assigns, and project contractors, project funders, and project partners, access over that portion of Landowner's Property on which the dam lies or which is under Evans Creek or the existing reservoir as is reasonably necessary to assess, study, implement and monitor the Wimer Dam Removal Project, however staging for all of the above specified activities shall only be initiated from Mr. Wardle's property, and no entry shall be made to Landowner's property across the

bridge that accesses Landowner's property or through her gates without first obtaining Landowner's specific consent.

D. OWEB. Landowner is aware that WaterWatch will be seeking funding from the Oregon Watershed Enhancement Board (OWEB), and that if OWEB funding is provided the Landowner agrees to allow OWEB and its representatives access over that portion of Landowner's Property on which the dam lies or which is under Evans Creek or the existing reservoir for inspections and evaluations of the Wimer Dam Removal Project, but entry shall only be initiated from Mr. Wardle's property, and no entry shall be made to Landowner's property across the bridge that accesses Landowner's property or through her gates without first obtaining Landowner's specific consent. The Landowner is aware that information related to work under an OWEB grant is public information.

IV. PUMPING SYSTEM:

WaterWatch shall seek funding to hire an engineer to design and develop cost estimates for modifications to Landowner's pumping system as may be needed to keep the pumping system operational after removal of the dam or a portion of the dam. Such design work shall be at no cost to Landowner. The Landowner's system currently draws water from the pool created by the dam. It is anticipated that a new pump intake system will be needed to draw water from Evans Creek after dam removal. The parties shall work together in good faith to come up with a mutually acceptable design, and Landowner shall not unreasonably withhold her consent to a reasonable design. The goal is to make necessary modifications to Landowner's existing pumping system at no cost to Landowner that will allow for the same amount of water (not to exceed her legal water right) to be diverted throughout the irrigation season after dam removal. as can be diverted by her current system with the dam in place. A design shall be deemed to be reasonable if it meets this goal. The design will utilize as much of the current infrastructure as is reasonable to accomplish the above goal. No new pumps will be provided unless needed to meet the goal stated above. The pumping intake will be designed with a fish screen. In developing the design and cost estimates for the work on the pumping system, the engineer shall consult with Landowner and/or any representative of the Landowner that Landowner chooses.

Once a design has been selected, cost estimates and/or bids shall be obtained for the pumping station work and WaterWatch shall seek funding in the amount of the estimated cost of the work or bid. WaterWatch shall not commence work on the dam removal portion of the Project unless and until WaterWatch has secured the funding for the completion of the agreed upon pumping station redesign. If agreement on a design cannot be reached then either party may terminate this agreement. In the event this agreement is terminated, WaterWatch may still pursue dam removal and may continue to work with Dean Wardle on the removal of that portion of the dam on his property.

Once funding for the Wimer Dam Removal Project, including any needed pumping system modifications, is secured, then the Landowner shall obtain her own contractor to modify the pumping system in coordination with dam removal. Landowner shall be reimbursed or Landowner's contractor shall be paid from the grant funds secured for the pumping system work on submission of invoices specifying the work done. Reimbursement shall only be made up to

the amount of the estimated cost or bid for the work on the selected design. If an OWEB grant is the source of funding, a 10% retainage may be required until the work is complete.

V. LIMITATION OF LIABILITY:

A. WATERWATCH will be acting solely as a facilitator to secure funding, project partners, and project contractors to implement the Wimer Dam Removal Project. Landowner agrees that WATERWATCH shall have no responsibility or liability for the work performed or the results of the Wimer Dam Removal Project other than any obligations WaterWatch may incur directly on its own behalf with contractors.

B. WaterWatch and its Project partners, Project contractors, and assigns shall implement the Wimer Dam Removal Project in cooperation and consultation with the State Department of Fish and Wildlife or the Oregon Watershed Enhancement Board so that the Landowner will qualify for the liability protections offered by ORS 496.270(2) and (3).

VI. PRIOR AGREEMENTS/CONTRACTS:

This document represents the entire, final, and complete Agreement of the parties pertaining to the Wimer Dam Removal Project. WATERWATCH has made no commitments or Agreements with the Landowner that are not specifically set forth in this Agreement.

VII. MODIFICATIONS AND CHANGES:

No modification or amendment of this Agreement shall be valid unless in writing and signed by the parties.

VIII. REMEDIES:

Time is of the essence of this Agreement. The obligations and covenants of the parties to this Agreement are irrevocable during the term of this Agreement. In the event any party should fail to perform any terms or provisions of this Agreement, the non-breaching parties shall be entitled to all rights and remedies provided in law or equity including the right to specific performance.

IX. TERM and DAM REMOVAL CONSTRUCTION SCHEDULE:

The parties acknowledge that it will take some time to acquire the needed funding, to conduct the needed environmental review, to obtain the necessary permits, to do the contracting and to implement the project. Therefore, the parties agree that the term of this Agreement shall be upon completion of dam removal, site restoration, and subsequent monitoring as described in Section I above, or by December 30, 2016, whichever occurs first. Notwithstanding the above, WaterWatch shall have the right to terminate this Agreement upon mailing a letter to Landowner, after two years, if adequate funding for dam removal has not yet been secured.

Once actual dam removal work has been initiated, work specific to actual removal of the dam shall be completed in a reasonable time, which timeframe shall not exceed 75 days and no

construction activities that would interfere with Landowner's irrigation system shall be commenced before August 15 during any calendar year without Landowner's express consent. The contractor shall be allowed additional time, as necessary, where events beyond the contractor's control, including actions of the Landowners, affect the timing of the dam removal work. The purpose of this timeframe is to limit the construction impact on Landowner's ability to irrigate. The timeframe may be adjusted if Landowner's ability to irrigate is maintained during the construction process.

X. BINDING EFFECT:

This Agreement shall run with the land and shall be binding on and inure to the benefit of the parties and their respective heirs, successors and assigns, and to any subsequent owners of Landowner' Property. If Landowner should decide to sell or transfer Landowner's Property during the term of this Agreement, Landowner shall notify WaterWatch and provide a copy of this Agreement to any prospective purchaser and notify any prospective purchaser that this Agreement runs with the land and is binding on any subsequent landowner for the term of this Agreement.

It is acknowledged by Landowner that WaterWatch may find it desirable to partner with other entities to better implement the Wimer Dam Removal Project, and that all rights that WaterWatch has under this Agreement are also for the benefit of all WaterWatch designated partners and assigns, however all of such rights are subject to all terms in this agreement that are for the benefit of the Landowner.

XI. CONTACT INFORMATION:

WaterWatch

Contact Person:	John DeVoe
Address:	213 SW Ash St, Suite 208, Portland, OR 97204
Phone Number:	503-295-4039, ext. 1

Landowner

Contact Person:	Diane Kewish
Address:	P.O. Box 1080, Rogue River, OR 97537
Phone Number:	541-582-0364

XII. LANDOWNER'S REPRESENTATION AND WARRANTY:

Landowner represents and warrants that she is the sole owners of Landowner's Property and she has the right to enter into this Agreement without the consent of any other party. Landowner is not representing that she owns any part of the dam or any property under the dam.

XIII. COUNTERPARTS, FACSIMILE, ELECTRONIC SIGNATURES:

This Agreement may be executed in one or more counterparts, including facsimile counterparts, and all so executed shall constitute one agreement, binding on all the parties to this Agreement, even though all parties are not signatories to the original or the same counterpart.

Any counterpart of this Agreement, which has attached to it separate signature pages, which altogether contain the signatures of all parties, is for all purposes deemed a fully executed instrument. Facsimile or electronic transmission of any signed original document and retransmission of any signed facsimile or electronic transmission shall be the same as delivery of an original. At the request of either party, the parties shall confirm facsimile or electronic transmitted signatures by signing an original document. A faxed or electronic copy showing the signature or electronic signature of a party shall be considered an original signature for all purposes.

IN WITNESS WHEREOF, the parties set their hands on the date above written.

WaterWatch of Oregon

BY: [redacted] 12/12/13
John DeVoe, Executive Director

Landowner:

[redacted] 12-12-13
Diane Kewish

Oregon
John A. Kitzhaber, MD, Governor

Department of Fish and Wildlife
Rogue Watershed District Office
1495 East Gregory Road
Central Point OR 97502
(541) 826-8774
(541) 826-8776
dfw.state.or.us

November 18, 2013

Bob Hunter
Waterwatch
142 W. Dutton Rd.
Eagle Point, OR 97524

Re: R&E grant application for fish passage improvement at Fielder and Wimer Dams on Evans Creek

Dear Bob,
grant application submitted by Waterwatch for fish passage improvement at Fielder and Wimer Dams on Evans Creek. Improving passage at these dams are top priorities for ODFW's Upper Rogue Watershed District. In fact, Fielder Dam is number four on ODFW's statewide fish passage priority list and Wimer Dam is number eight.

Evans Creek supports populations of coho salmon (ESA listed as threatened), chinook salmon, summer and winter steelhead , cutthroat trout and other native, non-salmonid species. In their current conditions, both dams significantly hinder upstream passage for these species. There are fish ladders at the dams, however, the ladders are antiquated and do not meet current criteria for jump heights, water velocities or attraction flows. Upstream adult passage at is only possible under ideal flow conditions. Both dams may be complete barriers to upstream migrating juveniles under all flow conditions.

Improving passage at Fielder Dam will provide better access to quality upstream habitat in the mainstem of Evans Creek and its tributaries. Specifically, access will be improved to roughly 16 miles of habitat for chinook, 60 miles for coho and over 70 miles for steelhead. Improving passage at Wimer Dam will provide better access to quality upstream habitat in the mainstem of Evans Creek and its tributaries. Specifically, access will be improved to roughly 7 miles of habitat for chinook, 50 miles for coho and over 60 miles for steelhead.

Improving passage at Fielder and Wimer Dams will compliment past dam removal projects completed on East Fork Evans Creek and on Maple Gulch, a tributary of Evans Creek. In addition, many habitat enhancement projects have been implemented in West Fork Evans Creek and its tributaries. These projects include instream large wood placement, road work to reduce sedimentation and whole road decommissioning. Improving passage at the dams will also capitalize on momentum generated by recent removals of 3 large dams on the mainstem of the Rogue River.

ODFW's Upper Rogue Fish District has committed $5,000 in match funding to pay for initial survey work to be completed at Fielder and Wimers Dams this fall. Additionally, ODFW will provide technical assistance throughout the projects design phase expected to total $3,000.00 in match funding.

Please feel free to contact me with any questions.

Sincerely,

[redacted]

Jay Doino
Oregon Department of Fish and Wildlife

MEMORANDUM

Department of Fish and Wildlife
Intra Departmental

Date: December 11th, 2013

To: ODFW Recreation and Enhancement Board (R&E)

From: Ken Loffink, Assistant Fish Passage Coordinator [redacted]

Subject: **Fielder and Wimer Dam Removal Projects on Evans Creek**

Dear R&E Board,

The Fielder and Wimer Dams located on Evans Creek near Grants Pass, have been long standing fish passage priorities in the Rogue River Basin, and in the State of Oregon. Currently the diversions are fairly large dams with aging fish ladders that do not meet current criteria, and even cause fish mortality when up-migrating fish accidentally jump out of the fishways. These dams, are at least partial barriers throughout the year, and act as complete barriers seasonally when flow conditions are not adequate for passage.

Waterwatch, is leading efforts to remove the dams and restore fish passage and stream function in these reaches. BothFielder and Wimer Dams are in the "Top Ten" of the Statewide Fish Passage Priority List. Meaning, that they are among the highest priorities in the state, and will provide some of the largest benefits to native migratory fish of any project in the State. Removing these dams would provide native migratory fish in Evans Creek improved access to up to 80 miles of good quality habitat upstream. Native migratory fish in Evans Creek include steelhead, chinook, and ESA listed coho, among others.

ODFW Upper Rogue Fish District, ODFW Central Point Screen Shop, and ODFW Fish Passage Program staff have all been involved with this project, and ODFW feels that this project will provide significant benefits to the native migratory fish communities present in Evans Creek. While still in the planning phase, the project proponents (Waterwatch) have been in contact with the ODFW Fish Passage Program regarding the design, and they will continue to work with us throughout the design process to ensure all ODFW fish passage criteria are met. Once the design is finalized, the project will receive ODFW's fish passage approval.

Please consider these details as you review this application for funding. If you have any questions regarding fish passage for this project, please do not hesitate to call me at 503-947-6256, or email me at ken.j.loffink@state.or.us.

Cc: Dan VanDyke, ODFW
Jay Doino, ODFW
Kevin Herkamp, ODFW
Rich Kilbane, ODFW
Bob Hunter, Waterwatch
Greg Apke, ODFW

GEOS INSTITUTE

01 December 2013

Oregon Department of Fish and Wildlife
R&E Program Board
4034 Fairview Industrial Drive SE
Salem, OR 97302

Subject: WaterWatch, Evans Creek dam removal technical assistance application

Oregon Department of Fish and Wildlife R&E Program Board:

WaterWatch of Oregon has applied to the Oregon Department of Fish and Wildlife's R&E Program Board for technical assistance related to the removal of two large dams on Evans Creek (a tributary of the Rogue River). Dam removal on the Rogue River has directed attention to fish passage and habitat quality issues on the highly productive tributaries, leveraging the improved mainstem passage.

Fielder and Wimer dams, respectively 3 and 9 miles upstream of the Rogue River, have long been a target of salmon and steelhead restorationists in the Rogue basin and are among the most harmful fish passage barriers in the state according to ODFW. Upstream passage is severely constrained at both dams under almost all flow conditions and blocking roughly 80 miles of habitat. Uncommitted landowners ultimately put a stop hope that habitat would be opened for easy access by Chinook, coho, and steelhead. Removing these dams offers a tremendous opportunity to immediately increase production for these three salmon stocks.

Habitat in the Evans Creek watershed is of very high quality, making removal of Fielder and Wimer dams the most important fish passage improvements in the Rogue Basin. WaterWatch's work to gain landowner commitment has energized these projects and offers real hope that these two dams will soon be removed.

Geos Institute is committed to helping with development of dam removal designs and permit applications, contributing $1,500 of in kind support. Moreover, Geos Institute is committed to assisting with project management, fundraising, and contracting when these projects transition from technical assistance to implementation.

Please feel free to contact me at (541) 482-4459 extension 304 with any questions about Geos Institute's support for this project.

Sincerely,

[redacted]

Brian R. Barr
Aquatic Habitat Project Manager

Oregon
John A. Kitzhaber, MD, Governor

Oregon Water Resources Department
Larry Menteer
Deputy Region Manager
10 South Oakdale Ave Room 309
Medford, OR 97501
Phone: 541-774-6880
Fax: 541-774-6187
larry.p.menteer@state.or.us

October 15, 2013

Oregon Watershed Enhancement Board
775 Summer Ave., Suite 360
Salem, OR 97301-1290

RE: WaterWatch Wimer Dam Removal Project Phase I – OWEB TA Grant Application

Oregon Watershed Enhancement Board:

The Oregon Water Resources Department supports WaterWatch's technical assistance grant application for the Wimer Dam Removal Project Phase I. Wimer Dam was originally built solely for irrigation diversion in the early 1900's. The holders of all water rights once associated with the dam are now diverting from a different point of diversion or have abandoned their rights, and there are no longer any valid water rights associated with the dam. The dam has long been known to be a severe impediment to fish passage and its removal would be very beneficial to the Rogue Basin's salmon and steelhead.

We will participate in technical team meetings in respect to this project and will provide technical assistance on other water rights that might be impacted by dam removal. We anticipate $500 of in-kind match to this project.

Sincerely,

[redacted]

Larry Menteer
Deputy Region Manager
OWRD SW Region

Oregon
John A. Kitzhaber, MD, Governor

Oregon Water Resources Department
Larry Menteer
Deputy Region Manager
10 South Oakdale Ave Room 309
Medford, OR 97501
Phone: 541-774-6880
Fax: 541-774-6187
larry.p.menteer@state.or.us

October 15, 2013

Oregon Watershed Enhancement Board
775 Summer Ave., Suite 360
Salem, OR 97301-1290

RE: WaterWatch Fielder Dam Removal Project Phase I – OWEB TA Grant Application

Oregon Watershed Enhancement Board:

The Oregon Water Resources Department supports WaterWatch's technical assistance grant application for the Fielder Dam Removal Project Phase I. Fielder Dam was originally built solely for irrigation diversion in 1934. Fielder Dam fell into disuse in the 1980s. Today, no one uses the dam to divert water for irrigation, and no storage rights were ever issued to maintain the reservoir created by the dam. The Oregon Water Resources Department has recently spent at least $500 of in-kind time as match to verify that the holders of all water rights once associated with the dam are now diverting from a different point of diversion or have abandoned their rights.

The dam no longer serves any diversion function, but continues to adversely affect salmon and steelhead. Due to the height of the dam, it is subject to periodic safety inspections by our department. With removal of the dam, our department would no longer need to spend time and resources inspecting and reporting on the condition of the dam.

We will participate in technical team meetings in respect to this project and will provide technical assistance on other water rights that might be impacted by dam removal. We anticipate an additional $500 of in-kind match to this project.

Sincerely,

[redacted]

Larry Menteer
Deputy Region Manager
OWRD SW Region

Oregon Department of Fish and Wildlife
R&E Program Board
4034 Fairview Industrial Drive SE
Salem, OR 97302

December 4, 2013

Subject: Fielder and Wimer Dam Removals

Dear Review Team,

Thank you for your time to review Water Watch's proposals for the removal of Wimer and Fielder Dams on Evans Creek. Every dam removal project presents its own set of challenges and constraints. These projects will benefit from ODFW R & E funding to facilitate a design and permitting process that convenes a technical team of local, state and federal agency staff to review the project designs to capture any landowner or permitting concerns prior to implementation of the dam removals.

Water Watch (WW) has been a leader in transforming rivers in the Rogue Basin with their tireless devotion to the mainstem Rogue dam removals. With the removal of Gold Ray in 2010, wild fish have access to over 157 miles of a free flowing Rogue River. Now, WW has begun work to improve fish passage on a priority tributary by securing commitment from private landowners to remove the Wimer and Fielder dams from Evans Creek.

American Rivers (AR) does not have the resources to provide financial support to WW's work on the Rogue at this time, however we are able to provide technical support. With staff experienced in Oregon dam removal, AR can provide 75 hours (37.5 hours to each dam) of technical assistance toward the following tasks: field data collection and site survey related to SHPO review, technical team meeting participation to review and provide input on project design and permitting, assistance with Section 106 submittal to SHPO for above ground resources and travel to and from the site from the Willamette Valley. The total in-kind contribution for this support is $2,426.00. In addition, AR will be collaborating with the project team to prepare additional grant applications to move ahead with the implementation of the dam removal projects.

We are excited about the opportunity to collaborate with the southwest Oregon team of natural resources professionals to remove two of the top ten barriers from Oregon Department of Fish and Wildlife's statewide fish passage prioritization list,

[redacted]

Denise Hoffert-Hay, Associate Director River Restoration

Pacific Northwest Office, American Rivers

ROGUE FLYFISHERS

P.O. BOX 4637, MEDFORD, OREGON 97501

Dear Members of the Board:

I strongly support WaterWatch of Oregon's Fielder and Wimer dam removals project on Evans Creek and urge you to approve WaterWatch's request in respect to this worthy project. Removing these two dams would be one of the most significant steps that we can take at this time to help protect and restore the Rogue River's incredible steelhead and salmon fishery. Each year that goes by, these harmful dams continue to harm salmon and steelhead and limit fish production in Evans Creek and the Rogue Basin.

An important spawning tributary, Evans Creek supports fall Chinook salmon, Coho salmon, summer and winter steelhead, cutthroat trout, suckers, and lamprey. Above these dams, approximately nineteen miles of habitat is available for fall Chinook production, sixty miles for Coho salmon production, and seventy miles for steelhead production.

Both state and federal agencies have identified Evans Creek, and restoring access to high quality fish habitat in its upper reaches, as important to the recovery of southern Oregon Coho salmon. Just last year, Oregon Department of Fish and Wildlife (ODFW) officials ranked these two dams among the top ten most significant fish barriers on Oregon's 2013 Statewide Fish Passage Priority List.

Prior to the placement of these two dams on the state Priority List, numerous biologists had concluded that the dams' outdated fish ladders are inadequate, and block or impede passage of Coho salmon, fall Chinook salmon, summer and winter steelhead, Pacific lamprey, suckers, and cutthroat trout. The National Marine Fisheries Service has specifically identified Fielder and Wimer Dam removal as a priority for salmon recovery.

There is a lot of positive momentum behind this project. The landowners have consented to dam removal and have agreed to allow access to their property for that purpose. WaterWatch is working in partnership with ODFW, Geos Institute, American Rivers, federal agencies, sport fishing organizations and others to secure funding to remove these dams. Some survey work and LiDar data collection at the sites has already been performed.

Even though our club helped build the fish ladders years ago, it is quite apparent upon our inspection that they no longer are a viable means of travel for the fish.

Please fund this worthy project without delay. It is good for the Rogue Basin, good for salmon and steelhead, and good for the state.

[redacted]

Mike Masters
President of Rogue Fly Fishers Club
541-261-2243

Phone: 541.619.5896
Email: dhoffert-hay@amrivers.org

Internal Revenue Service
District Director

Department of the Treasury

P O BOX 2350 ROOM 5127 ATTN: E.O.
LOS ANGELES, CA 900532350

Date: MAY 23, 1990

WATER WATCH OF OREGON
ROUTE 2 BOX 925
HILLSBORO, OR 97123

Employer Identification Number:
93-0888158
Case Number:
950092009
Contact Person:
MANLATOARNA, CHITRA
Contact Telephone Number:
(213) 725-6619

Our Letter Dated:
Dec. 04, 1986
Addendem Applies:
no

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part ofthe organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

[redacted]

MICHAEL J. QUINN
DISTRICT DIRECTOR

Letter 1050(CG)

Internal Revenue Service
District Director

Department of the Treasury

Date: DEC 4 1986

Employer Identification Number:
93-0888158
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(1) and 170(b)(1)(A)(vi)
Advance Ruling Period Ends:
December 31, 1989
Person to Contact:
EO Desk Officer
Contact Telephone Number:
(206) 442-5106

Water Watch of Oregon
Route 2, Box 925
Hillsboro, OR 97123

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in section 509(a)(1) and 170(b)(1)(A)(vi)

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends on the date shown above.

Within 90 days after the end of your advance ruling period, you must submit to us information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(1) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(1) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(1) organization.

(over)

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of $100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt from Income Tax, only if your gross receipts each year are normally more than $25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of $10 a day, up to a maximum of $5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

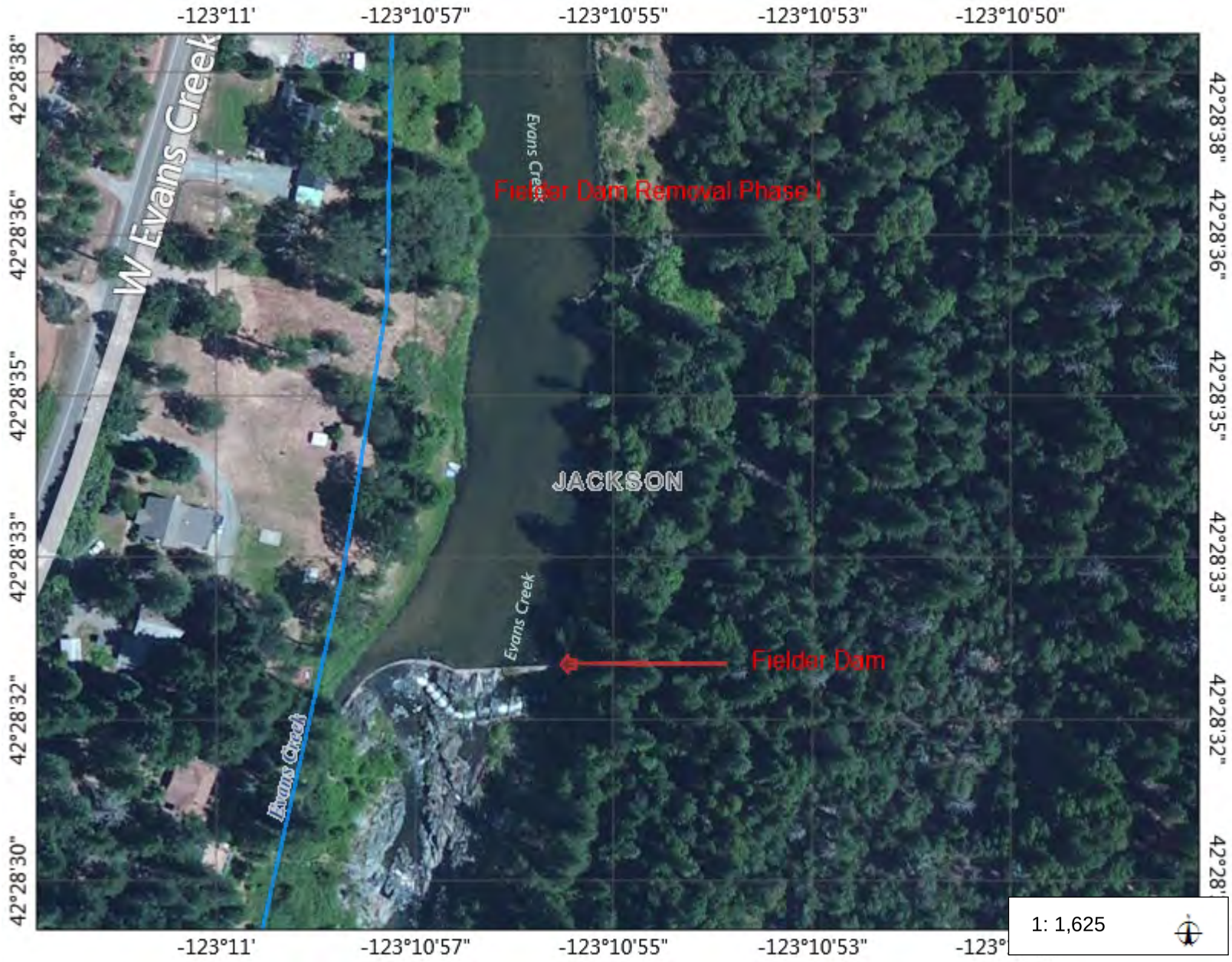
Sincerely yours,

[redacted]

District Director

DOCNO:05730:jc

Fielder Removal Dam Phase I



Legend

- Counties (Census 2010)
- Oregon Plan Basins

OWRI Project Polygon Features (1995-2011)
- Upland
- Wetland
- Combined
- Instream
- Riparian
- Urban

OWRI Project Line Features (1995-2011)
- Instream
- Riparian
- Road
- Upland
- Combined
- Fish Passage
- Urban
- Wetland

OWRI Project Point Features (1995-2011)
- Fish Passage & Screen
- Road
- Upland
- Combined
- Instream
- Riparian
- Urban
- Wetland

Grande Ronde Restoration Activities (1995-2005)
- Combined
- Fish Passage
- Riparian
- Road

1: 1,625

Notes

WaterWatch's Fielder Dam Removal Project
Phase I. Fielder Dam is located on RM 3 of Evans Creek, an important spawning tributary of the Rogue River.

0.1 0 0.03 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from the Oregon Explorer Map Viewer (http://tools.oregonexplorer.info/oe_map_viewer/Viewer.html?Viewer=OE) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Steve and Sharon Keeton
3316 W. Evans Creek Road
Rogue River, OR 97537

November 5, 2013

Oregon Department of Fish and Wildlife
R&E Program Board & Fish Division
4034 Fairview Industrial Drive SE
Salem, OR 97302

RE: Fielder Dam Removal Project Grant Applications

To Whom It May Concern:

We own the land on which Fielder Dam lies (Tax Lots 200, 204, and 205 in T36S, R4W of the Williamette Meridian, Section 4 Jackson County, OR). We have entered into an agreement with WaterWatch consenting to the removal of the dam and to allow access for that purpose to WaterWatch, its partners (including the Oregon Department of Fish and Wildlife) and its contractors.

We are supportive of WaterWatch grant applications for funding related to dam removal, including funding to study the sediment and channel behind the dam, potential impacts of sediment release and elimination of the reservoir and dam, and to begin design work and permitting on dam removal.

We will not be contributing any funds to the project, but are willing to give access over our property to conduct survey, sediment sampling, channel refrac work, and other necessary studies and assessments at the dam and reservoir site.

Sincerely,

[redacted]

Steve Keeton

[redacted]

Sharon Keeton

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
OREGON COAST HABITAT BRANCH
2900 Stewart Parkway
ROSEBURG, OREGON 97471

October 16, 2012

John DeVoe
WaterWatch of Oregon
213 SW Ash, Suite 208
Portland, Oregon 97204

Re: Technical and environmental issues concerning the Fielder Dam, Evans Creek a tributary of the Rogue River in Jackson County, Oregon

Dear Mr. DeVoe:

This letter is a follow-up of an October 2, 2012, meeting with environmental conservation organizations, including WaterWatch staff, and resource agencies interested in conserving and recovering aquatic ecosystems in the Rogue River basin. The meeting's purpose included identifying restoration opportunities in the Rogue River basin in need of collaboration and technical assistance. Fielder Dam, within the Evan Creek watershed, is one such opportunity that could benefit National Marine Fisheries Service's (NMFS) trust resources.

The Rogue Basin Fish Access Team developed a strategy and priority list[1] of fish access barriers in the Rogue River basin needing resolved. Fielder Dam was identified on this list of fish barriers in need of improvement. Despite Fielder Dam occurring well down the basin's overall priority list, resolving fish passage issues at this dam has been a long standing objective of this agency due to the importance of the Evans Creek watershed to our trust resources. Our records indicate there have been no authorized diversions for over 20 years and all water rights transferred to instream diversions. The fish ladder was assessed in 2002 as a fish passage barrier and not providing adequate passage. At the time of the assessment, there was much interest in working with the landowners to remove the barrier.

Evans Creek is inhabited by Southern Oregon/Northern California Coasts (SONCC) coho salmon. The NMFS listed SONCC coho salmon as threatened under the Endangered Species Act (ESA) on June 28, 2005 (70 FR 37160, previously listed on May 6, 1997 [62 FR 24588]), critical habitat was designated on May 5, 1999 (64 FR 24049) and protective regulations were issued

[1] Fish Access Team: Strategic Plan – Rogue Basin Fish Passage Barrier Removal.

under section 4(d) of the ESA on June 28, 2005 (70 FR 37160, previously issued on July 18, 1997 [62 FR 38479]). Additional trust resources in this watershed include essential fish habitat for coho salmon and Chinook salmon, which is designated under the Magnuson Stevens Act. These SONCC coho salmon inhabiting Evans Creek are individuals of the Upper Rogue River (URR) population. The public draft SONCC coho salmon recovery plan (NMFS 2012[2]) identifies this population as a core population vital to the recovery of SONCC coho salmon. Evans Creek is the most downstream watershed of significance within the geographic boundary of the URR SONCC coho salmon population. Due to this location, individuals of the URR population inhabiting Evans Creek are important for spatial and genetic diversity of the URR population. The recovery plan also identifies the headwaters of Evans Creek as an important place to provide immediate habitat restoration and threat reduction. We will be one step closer to reducing a threat to the URR SONCC coho salmon population by eliminating the fish barrier at Fielder Dam.

Based on our assessment of this dam and the draft recovery plan, I recommend modifications to Fielder Dam to reduce the adverse impacts on ESA-listed SONCC coho salmon and the other fish species in the Evans Creek watershed. The NMFS is certainly interested in providing assistance to resolve this issue. Please let me know if WaterWatch requires technical assistance. I believe it is imperative that we include an interagency technical team approach to resolving these types of issues. Although I certainly cannot speak for the other agencies, I believe a well coordinated, cooperative, and solution oriented approach will result in a successful resolution to this situation.

If you have questions about this letter or about how to continue with coordination, please call Ken Phippen, Oregon Coast branch chief of the Oregon State Habitat Office, at 541.957.3385.

Sincerely,

Kenneth W. Phippen
Branch Chief, Oregon Coast Habitat Branch
Oregon State Habitat Office
Habitat Conservation Division

cc: Dan VanDyke, ODFW, electronic
Rob Burns, USFWS, electronic

[2] NMFS (National Marine Fisheries Service). 2012. Public draft recovery plan for Southern Oregon/Northern California Coasts coho salmon (*Oncorhynchus kisutch*). National Marine Fisheries Service. Arcata, CA.

Wimerer Removal Dam Phase I

Legend

- Counties (Census 2010)
- Oregon Plan Basins

OWRI Project Polygon Features (1995-2011)
- Upland
- Wetland
- Combined
- Instream
- Riparian
- Urban

OWRI Project Line Features (1995-2011)
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OWRI Project Point Features (1995-2011)
- Fish Passage & Screen
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- Upland
- Combined
- Instream
- Riparian
- Urban
- Wetland

Grande Ronde Restoration Activities (1995-2005)
- Combined
- Fish Passage
- Riparian
- Road

Notes

WaterWatch's Wimer Dam Removal Project
Phase I. WImer Dam is located on RM 9 of Evans Creek, an important spawning tributary of the Rogue River.

0.0 0 0.01 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from the Oregon Explorer Map Viewer (http://tools.oregonexplorer.info/oe_map_viewer/Viewer.html?Viewer=OE) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Dean Wardle
9869 East Evans Creek Road
Rogue River, OR 97537

November 5, 2013

Oregon Department of Fish and Wildlife
R&E Program Board & Fish Division
4034 Fairview Industrial Drive SE
Salem, OR 97302

RE: Wimer Dam Removal Project Technical Assistance Grant Application

To Whom It May Concern:

I own the land to the center of Evans Creek, on which a good portion of Wimer Dam is located (Tax Lot 301, T35S, R4W, of the Williamette Meridian, Section 11, Jackson County, OR). I have entered into an agreement with WaterWatch consenting to the removal of the dam and to allow access for that purpose to WaterWatch, its partners (including the Oregon Department of Fish and Wildlife), and its contractors.

I am supportive of WaterWatch grant applications for funding related to dam removal, including funding to study the sediment and channel behind the dam, potential impacts of sediment release and elimination of the reservoir and dam, and to begin design work and permitting on dam removal.

I will not be contributing any funds to the project, but am willing to give access over my property to conduct survey, sediment sampling, channel refrac work, and other necessary studies and assessments at the dam and reservoir site.

Sincerely, [redacted]

Dean Wardle

Diane Kewish
P.O. Box 1080
Rogue River, OR 97537

December 12, 2013

Oregon Department of Fish and Wildlife
R&E Program Board & Fish Division
4034 Fairview Industrial Drive SE
Salem, OR 97302

Oregon Watershed Enhancement Board
775 Summer St. NE, Suite 360
Salem, OR 97301-1290

RE: Wimer Dam Removal Project Grant Applications

To Whom It May Concern:

I own the land adjacent to the south bank of Evans Creek, and adjacent to Wimer Dam (Tax Lot 1600, T35S, R4W, of the Williamette Meridian, Section 11, Jackson County, OR and Tax Lot 500, T35S, R4W, of the Williamette Meridian, Section 12, Jackson County, OR). I have entered into an agreement with WaterWatch consenting to the removal of the dam, and to allowing access to any portion of my property that may be under the dam, under the reservoir created by the dam, or under Evans Creek for purposes related to dam removal. This consent is granted to WaterWatch, its partners (including the Oregon Department of Fish and Wildlife), project funders, and project contractors. Access to this portion of my property shall be from the north side of Evans Creek and not over the remainder of my property.

I am supportive of WaterWatch grant applications for funding related to dam removal, including funding to study the sediment and channel behind the dam, potential impacts of sediment release and elimination of the reservoir and dam, and to begin design work and permitting on dam removal, and ultimately for dam removal.

I will not be contributing any funds to the project.

Sincerely,

[redacted]

Diane Kewish

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
OREGON WASHINGTON COASTAL AREA OFFICE
OREGON COAST BRANCH
2900 Stewart Parkway
ROSEBURG, OREGON 97471

October 18, 2013

John DeVoe
WaterWatch of Oregon
213 SW Ash Suite 208
Portland, Oregon 97204

Re: Technical and environmental issues concerning the Wimer Dam, on Evans Creek a tributary of the Rogue River in Jackson County, Oregon.

Dear Mr. DeVoe:

This letter provides technical assistance to WaterWatch of Oregon regarding your interest in assisting us with conserving and recovering aquatic ecosystems in the Rogue River basin. The purpose of this letter is to provide an assessment of the National Marine Fisheries Service's (NMFS) trust resources and identify collaboration and technical assistance opportunities associated with Wimer Dam.

Wimer Dam is located at approximately river mile 9.0 on Evans Creek, a tributary of the Rogue River. Evans Creek is inhabited by Southern Oregon Northern California Coasts (SONCC) coho salmon that were listed as threatened under the Endangered Species Act (ESA). Evans Creek is also designated critical habitat for SONCC coho salmon. Coho salmon inhabiting Evans Creek are members of the Upper Rogue River (URR) population; an independent population deemed a core population needed for the recovery of SONCC coho salmon. The Evans Creek fish are inhabitants of the most downstream, large watershed, within the URR population. Based on this geographic position, the Evans Creek coho salmon likely play an important role for maintaining spatial and genetic diversity within the URR population. Also, these fish likely play a role in maintaining connection between the URR population and the adjacent downstream Middle Rogue and Applegate Rivers population. Additional trust resources in this watershed include essential fish habitat for coho salmon and Chinook salmon, which is designated under the Magnuson-Stevens Act.

The Rogue Basin Fish Access Team (RBFAT) developed a strategy and priority list of fish access barriers in the Rogue River basin needing resolved. The Wimer Dam is listed among these

barriers and while it was listed within the top 15% priority of all passage barriers needing resolved in the Rogue Basin in 2000, it is even higher on the list due to efforts to remove higher priority barriers. As you are aware, in the last few years substantial effort towards restoring fish passage in the Rogue River basin has occurred with the removal of Savage Rapids Dam, Elk Creek Dam, Gold Hill Dam, and Gold Ray Dam. On-going efforts by your organization and many other partners, including NMFS, demonstrate a concerted and focused effort within the Rogue River basin to resolve fish passage issues and contribute to the recovery of SONCC, as species listed as threatened under the ESA.

In an effects assessment completed by one of my staff in 2003, it was noted that Wimer Dam is an impediment to upstream fish passage. Within that assessment we cite several issues with the dam causing fish passage delays due to the fish ladder not conforming to our passage standards and this was corroborate by a report from a fish biologist with the Oregon Department of Fish and Wildlife and documents produced by fish biologists with the Bureau of Land Management.

In this 2003 report we estimate approximately 80 miles of stream habitat are adversely affected by the dam due to the fish passage impediment. Albeit older information, our report cites ODFW smolt trapping data estimates of 1,700 (1999), 4,111 (2000), and 3,113 (2002) smolts migrated from West Evans Creek, an upstream tributary. I conclude the Evans Creek watershed supports an important population component of the URR SONCC coho salmon population and elimination of the fish passage barrier of the Wimer Dam would greatly enhance SONCC coho salmon abundance within Evans Creek. This conclusion is supported within the public draft of the SONCC coho salmon recovery plan where the plan specifically identifies Wimer Dam as a fish passage barrier and identifies resolving this passage barrier as a recovery action.

I want to reconfirm NMFS interest in removing the fish barriers in Evans Creek to recover SONCC coho salmon and benefit additional trust resources. NMFS is committed to providing assistance to resolve this passage issue. I believe it is imperative that we include an interagency technical team approach to resolving these types of issues. I believe a well coordinated, cooperative, and solution oriented approach will result in a successful resolution to this situation. WaterWatch is a key partner with NMFS in our recent efforts to resolve fish passage barriers very successfully using this same model. I look forward to further opportunities to work with you.

If you have questions about this letter or about how to continue with coordination, please call me at 541.957.3385.

Sincerely,

[redacted]

Kenneth W. Phippen
Branch Chief, Oregon Coast Branch