

General Comments Section – (sorted by line 5-25-2021)

22 28 Portland USFWS General/ Possibly 633-635? "Consider adding dewatering criteria in this rule. Dewatering streambeds are common when construction passage improvements or culvert replacements. Because larval lamprey live in sediments for 3-8 years, and can be numerous in suitable habitats, localized populations are impacted when drawdowns dewater and kills 100s to 1000s of larval lamprey of multiple age classes. Drawdowns should be 1-2 inches per hour increases survival of larval Entosphenus and Lampetra species. There are dewatering/salvage/e-fishing guidelines and information in Best Management Guidelines for Native Lampreys During In-water Work (Lamprey Technical Workgroup 2020: <https://www.fws.gov/pacificlamprey/Documents/2020%20Lamprey%20BMG%20Final.pdf>) " NO 2021-05-03 15:42:18

23 29 Portland USFWS General "To address screening for lamprey species, there are screening guidelines and information in Appendix D of the Best Management Guidelines for Native Lampreys During In-water Work (Lamprey Technical Workgroup 2020: <https://www.fws.gov/pacificlamprey/Documents/2020%20Lamprey%20BMG%20Final.pdf>) These guidelines could be applied based on the likely size of larval lamprey and appropriate screening size that would be encountered at a specific site, for fish passage and for when dewatering construction areas using pumps." NO 2021-05-03 15:43:12

46 52 Bend "I would like to fish passage provided and maintained at all dams, and other obstructions to fish passage should be removed. We need connectivity in the river to restore genetic interchange and provide cool water refugia. In Bend, I would like to see the Newport Avenue Dam removed and the river be either free-flowing or have a partial rock dam maintaining some of Mirror Pond along with river flow and fish passage. If that dam is to stay, fish passage has to be restored and required." To restore aquatic ecosystems. "Fish passage must be provided and maintained at all dams, and other obstructions to fish passage be removed." NO 2021-05-05 21:24:43

111 na Breena Vaughn NWA General "NWA is supportive of ways to clarify the regulations and policies implementing Oregon's fish passage statutes to ensure that updates to the policies promote clean energy without impeding fish passage or by enhancing passage, where feasible. We have been working with our member companies to review the Oregon Administrative Rules (OARs) to identify where clarifications to policies and definitions can improve our ability to find opportunities for addressing changing climate conditions by simultaneously providing fish passage and clean energy solutions." NO

112 na Breena Vaughn NWA General "From these members, you will hear proposed revisions that can clarify net benefit, appreciable benefits, and unlock capacity for power at nonpowered dams which currently provide non-energy benefits to

communities. NWAHA encourages the Rules Advisory Committee not to foreclose on a clean energy future through the adoption of revisions that do not consider the full import of benefits that hydropower provides to a clean energy system." NO

165 na "OFIC, AOL & OSWA" "Fish passage should only be required after a cost/benefit analysis has been done to determine if a project is worth the cost in terms of the benefit to the species. This should be recognized in rule and allow flexibility so resources, private and public, can be appropriately routed to projects that get the most "bang for the buck". Blockages that exist at the extreme end of fish distribution may not warrant large investments." "Migratory fish need access to the habitats they use throughout their complex life histories. Current forest practices rules acknowledge this need and guide landowners in identifying and correcting existing passage barriers and ensuring new barriers are not created. Landowners also work with watershed councils to identify and restore fish passage at high priority sites in a worst-first fashion; between 1997 and 2017, nearly 2,000 stream crossings have been improved for fish passage on private forestlands. Stream network access for salmon in Oregon's forests is better now than it has been in 50-years, and it continues to improve under existing forest practices rules and the Oregon Plan for Salmon and Watersheds.

Having said that, restoring anadromous fish access at the far upper extent of potential habitat has not resulted in documented marked increases in fish populations and may not justify the cost of certain projects. The foundational assumption in these extreme cases often appears overly optimistic. Restoring quality habitat and clearing the path for access to that habitat is an important goal, however in many instances the potential for habitat is questionable or poor at best. Thus, the need for a rule identified process that would recognize the value of a cost/benefit analysis prior to a project being undertaken. This process should be acknowledged within the prioritization process listed in OAR 635-412-0015 as well as the allowable waivers and exemptions listed in 635-412-0025. "NO

167 na "OFIC, AOL & OSWA" "Underlying both requests above is the fact that we have seen positive and stable population trends for the Oregon coastal Coho for over two decades in Oregon. The Oregon Plan for Salmon and Watersheds has accomplished its objective of recovering the Oregon coast Coho as evidenced by numerous data points on file at ODFW. Recent studies demonstrate that productive habitat is found on both private and public forest lands (Anlauf, et al. 2011). And habitat condition will continue to improve as restoration actions are implemented under the Oregon Plan. Moreover, we now know that the rebound in Coho populations observed from 2000-present are in line with historic population levels that were unquestionably considered healthy and viable (Cramer and Caldwell 2019)."

NO

253 na Portland Ted Labee General Climate Changes "In 2020, Washington State completed an administrative rule revision that included explicit

considerations of expected changes in stream channels from climate change. As part of this work WDFW

developed models to predict where and to what extent stream bankfull widths would increase. In most places of the state stream bankfull widths are expected to increase, putting culverts and stream

crossings at increased risk from being under-sized and further jeopardizing fish passage. To plan for this change and assist landowners and fish passage crossing designers, WDFW developed a 'Climate Adapted Culverts' web application. I would urge ODFW to consider development of a similar approach for Oregon. This approach is consistent with the new ODFW rule 635-900-015 on climate change key principles of science that require the Department to:

- Use appropriate analytic approaches to determine how species, biological communities, and habitats may respond to the changes in climate,
- Conduct ongoing research to reduce key uncertainties related to the response of fish, wildlife, or their habitats to climate and ocean change, and
- Communicate clearly about the uncertainty involved in predicting both the likely changes in climate and ocean conditions and the impacts on fish and wildlife to allow decision makers to take action in an informed way.

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In addition, the new ODFW rule 635-900-017 and -020 highlights the need for ODFW to use the precautionary principle in its management and decision-making. This rule has special significance for fish

passage and habitat conservation. Since many cold-water refugia lie isolated above impassable culverts and other barriers to fish migration, ODFW needs to determine how it can accelerate remedies and repair of these barriers so that native coldwater-dependent fish species can adapt to shifting climate regimes. " NO 5/18/2021