

This committee has addressed in multiple meetings possible revisions of the definitions of dam construction as a trigger for correction of fish passage obstructions. These discussions exemplify the unresolved problems in the rules for fish passage at dams.

Committee discussions support the conclusion that no single metric provides a sufficient or workable basis for definition of when *repairs, maintenance, patches, or modifications* constitute "*major replacement*" within statutory intent.

Committee discussion has emphasized that OARs are meant to provide a basis and authority for an agency to execute statutes. Logically revised OARs should facilitate administrative processes that enable execution of statutory intent. It would be constructive for this committee to summarize its conclusions regarding statutory intent for dam triggers as clarity on that point is key to improving rules on this point.

After this year long RAC process, I am brought back to a perspective that I and others offered in public comments at the start of this year: individual dams in many cases have unique factors related to their construction, function, characteristics of that river and its fisheries among other things that require analyses when considering correction of fish passage obstruction.

Practicality calls for a protocol for such analyses. What variables would be considered and how would they be weighted?

The presentation at the February 25th ODFW Passage Task Force on coastal estuaries is an example of a sophisticated multifactorial approach developed for evaluation of the extensive inventoried estuaries of the coast. Could not an analogous objective process be developed to identify attributes of significance, and a derived protocol for evaluation of opportunities for correction of passage obstruction at dams?

Such a process, or "tool", could be useful beyond simply addressing triggers from dam construction. Could it not be applied to dams proactively e.g. dams in Group I on the prioritization list, to facilitate correction of passage deficiencies at those structures even without dam construction triggers.?

Recent history of the Mirror Pond dam in Bend illustrates these points. I submitted detailed comments on Mirror Pond last year. This year, stakeholders including Pacific Power have looked at options for construction of fish passage at this dam. This effort has led to the conclusion that there are two locations within the multi-component dam complex which are feasible possibilities. Volume of repair work relative to the overall dam complex structural volume has minor significance for these possible sites. Agreement has been reached to pursue a first level engineering study to objectively frame further work. It is easy to see that if such information had been available a few years back, fish passage could have been incorporated into the extensive maintenance work that was completed over several years.

While these RAC proceedings may not resolve some issues, hopefully the committee will formalize a summary of discussions and recommendations, beyond simply wording of OAR revisions, to facilitate future actions, including departmental funding, for development of adaptive processes to resolve fish passage obstacles in the thousands of inventoried artificial passage obstacles.

Thank you again for the opportunity to participate in this process.

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