



OREGON DEPARTMENT OF FISH AND WILDLIFE

**Fish Passage Task Force**

MEETING MINUTES

Country Inn & Suites Prineville, OR

Conference Room

Friday – May 17, 2024 @ 0800 to ~1200 hrs.

Members	Representing	Present In Person	Present Virtually	Absent
Kelly Moore	Fishing and Conservation		x	
Denise Hoffert	Fishing and Conservation		x	
Terry Turner ( <i>Chair</i> )	Fishing and Conservation	x		
Steve Albertelli	Water Users	x		
April Snell	Water Users	x		
Fred Messerle	Water Users	x		
Zak Toledo	Public-At-Large		x	
Ted Labbe	Public-At-Large		x	
Tom Iverson	Public-At-Large			x

**ODFW Staff in Attendance:**

Mac Barr, Fish Passage Coordinator  
 Katherine Nordholm, Fish Screen and Passage Coordinator  
 Greg Apke, Fish Screens and Passage Program Manager  
 Nathaniel Ashley, John Day Fish Screens Coordinator  
 Art Martin, Columbian River Coordination Program Manager  
 Courtney Zambory, Assistant Project Leader  
 Pete Baki, ODFW-ODOT Liaison

**Members of the Public in Attendance:**

Allen Gillette, ODOT  
 James Fraser, Trout Unlimited  
 Michael Tripp, Trout Unlimited  
 Adam Miller  
 Ben  
 Unknown Virtual User  
 Ann Fasig

*\*members of the public may have joined virtually throughout the meeting.*

**Meeting Agenda**

**Call to Order Fish Passage Task Force Meeting**

Chair Turner called the meeting to order at 8:00 am and facilitated a round of introductions for all in attendance.

**Review & Approve Agenda & February 9, 2024 Meeting Minutes**

Chair Turner asked if questions or changes were needed to the draft meeting minutes from the February task force meeting. April Snell pointed out a typo on page two. The minutes said “soke” where they should say “spoke”.

**Motion:** Snell moved to approve the minutes with the typo fixed. Albertelli seconded the motion. The task force voted to approve. All five members in attendance voted to approve (three task force members force joined the meeting after the vote). Motion passed.

### **ODFW Program Staffing and Task Force Member Updates (*Apke*)**

Apke gave an update on staffing at ODFW, including the retirement of the Director. Debbie Colbert has been appointed as the new ODFW Director effective May 20<sup>th</sup>.

Apke also shared that he has permanently become the Fish Screening and Passage Program manager. Mac Barr is still in his job rotation as the acting fish passage coordinator, and that position will soon be open for recruitment.

The fish passage program is also interviewing for two new positions next week: the Assistant ODOT liaison position and the Assistant Fish Passage Coordinator position.

### **Task Force Member Issues, Updates & Roundtable (*All*)**

Task force members shared updates related to their areas of representation.

- Zak Toledo asked for an update at a future meeting on the results of the recent fish passage rule changes. How have they been implemented and received?

**Action item** –Add this topic as an agenda item for the next meeting.

- Kelly Moore did not have an update.
- Denise Hoffert shared that the OWEB board awarded four focused investment partnerships for the next biennium and gave details on the projects.
- Fred Messerle shared that he is encouraged to hear there is a new director and sees it as an opportunity to advance some of the issues the task force has discussed. He reminded the task force of the problems with permitting projects, and he hopes that a new director will respond to the letter the task force sent to the director's office last October. He reiterated his experience with the complexities of permitting tide gate replacement and restoration projects, especially the Winter Lake project. Finally, he shared that this winter has been wetter than in recent years, and the resulting high water has made sampling more difficult in the estuary. However, the sampling in the upper estuary has found a surprising amount of coho in upper estuary pools.
- Ted Labbe shared some of his background in fish passage in small streams and his experience as a fish passage barrier owner.
- Steve Albertelli shared that statewide they have seen big coho returns this year. Numbers have jumped from 200 to 1500 coho returning to Soda Springs on the North Umpqua River (that is 18 % of the run past Winchester Dam).
- April Snell shared about the start of the irrigation season. This water year is a lot better than previous years. Several irrigation districts are moving forward with irrigation modernization projects, mostly piping projects, that will put water back into streams. They continue to seek additional funding for fish screening and passage projects.
- Terry Turner shared that the North Fork Eagle Creek project is progressing this year. Also, the Cub Creek Stage-0 project on Lower Half Mile will go forward this year. The fish counts on the Clackamas have been high this year. It has been a record year for coho and winter steelhead, and spring Chinook are doing well.
- April Snell added that the Tide Gate Partnership is moving forward again, and a meeting has been scheduled.

Greg recommended that the ODFW staff in the room have an opportunity to give an update.

- Nathaniel Ashley shared that Pine Creek's screening and passage project is being implemented this year, and they have been working with the habitat program to do an extensive passage screening and habitat project on Keeton Creek.
- Jerry Geroge gave an update on the Pelton Round butte project and fish collectors.
- Greg Apke shared that he, Mac, and Katherine just spent two days on a site visit with USFS.

### **Statewide Priority Barrier List Update (*Nordholm and Zambory*)**

Katherine Nordholm gave an update on the Statewide Priority Barrier list work. Steve Albertelli asked if the Task Force would get a chance to review the draft list before the (September) October meeting, ideally before it became public. Katherine stated that the timeline was not firmly established and was optimistic that ODFW could make that available. Courtney Zambory shared background data and methods on how ODFW and the workgroup have

incorporated variables for climate change into the ranking equation for the barrier list. Steve Albertelli asked about the availability of the auto ups and auto downs for the public and the intention to make them public with the list. Katherine stated that we intended to document the auto ups and downs and make them publicly available. April Snell asked about outreach to owners of newly added barriers to the updated list. Katherine agreed that this would be nice, but difficult to implement and that we would investigate it.

From the Chat:

[5/17 9:30 AM] HOFFERT Denise \* OWEB

I think it would be good to include who to reach out to if they want to address passage at the barrier (local watershed councils, SWCDs, ODFW) and that there is funding available.

### **Public comment period at 10:00**

Chair Turner started the public comment process at 10:00 and asked for any members of the public to comment. Mac Barr shared that there was a written public comment circulated to the Task Force and will be part of the public record (see below).

### **Columbia and Snake Rivers Litigation Stay Agreement (*Martin*)**

ODFW Columbia River Coordination Program Manager, Art Martin, shared an update on the litigation around the hydro projects on the Columbia and Snake River dams. The most recent litigation was around NEPA documents.

Terry Turner noted that the conversation after this stay has evolved to include a need to upgrade infrastructure and improve habitat for fish. Kelly Moore asked how long he has been working on this. Martin answered that it had been six years, and he had built on work that had come before him. Moore also asked about the reception of the users to the agreement. Martin shared that it has varies. Moore also asked if the ISRP (independent science review panel) has reviewed the document. Martin answered that they have not yet.

Snell asked if the slides could be shared? Martin responded that, yes, he will share the ppt with the Task Force. Apke asked if Martin had a prediction on how this would play out in the future. Martin thought that there is reason for hope and there is recognition that there needs to be a political and societal solution.

From the Chat:

Zak Toledo (External)

Impressive program, Art! A powerful partnership and clear path forward. Hopefully a leap forward for "healthy and abundant levels".

MARTIN Art C \* ODFW

Thanks Zak,!That is particularly meaningful coming from you.

### **National Historic Preservation Act and Section 106 Programmatic Approval (*Apke*)**

Greg Apke discussed the development of the NOAA-OWEB programmatic for section 106 approval and how it will impact the Screens and Passage Program. Complying with the programmatic will affect the timeline and cost of implementing on-the-ground screens and passage projects with PCSRF funds.

Fred Messerle mentioned similar permitting hurdles around tide gates and maintenance and pointed out that section 106 applies to tide gates as well as other projects. April Snell mentioned that most of her irrigation falls outside the 30 cfs range, and she recommends advocating for POPs and funding.

### **Local Updates (*George & Porter*)**

Jerry George gave update about Deschutes District's high priority fish passage barriers. Tim Porter shared that some of the sites the Task Force will see during their tour are a combination of fish screening and passage sites.

**Not on Agneda** – Nordholm announced the upcoming vacancy on the Fish Screening Task Force and encouraged members of the Fish Passage Task Force to consider whether they knew anyone who would be interested in applying.

Terner adjourned the meeting at 12:13 PM.

## Public Comments Received:

“Dear Mr. Bar,

- Although tens of millions of dollars were spent to improve fish passage and restore aquatic habitat upstream, the 17-foot Winchester Dam on the North Umpqua River is too high for any fish to jump and remains an impassable barrier to migratory native fish. Fish passing downstream over the lip of the dam are maimed or killed when they fall on the bedrock below. Fish counts at Winchester Dam are steadily and rapidly declining.
- Winchester Dam’s fish ladder is out-of-date and worn down to the exposed rebar. This causes injury and mortality to both adult and juvenile migratory fish. It’s on the wrong side of the river and it’s hundreds of feet away from the river’s main stream. The average native fish makes five or six false attempts to enter the fish ladder before passing through. It is supposedly ODFW’s second highest priority for fish passage at a private dam. Yet ODFW takes no action.
- The Winchester Dam and it’s inadequate fish ladder impede passage to 160 miles of high-quality habitat for spring Chinook, fall Chinook, summer steelhead, winter steelhead, cutthroat trout, and Pacific Lamprey, as well as Oregon Coast Coho which are listed as threatened under the federal Endangered Species Act. The dam harms native fish through adult migration delays.
- In 1984, ODFW made an end run around the Oregon legislature enacting an unprecedented and novel regulation OAR 635-008-127 which is found nowhere else the state. It’s only applicable to the solitary public boat ramp at the Winchester Dam. ODFW created this regulation that makes it “unlawful to launch or retrieve power boats from North Umpqua River Ramp area, and did so to benefit a few dozen wealthy homeowners in the Winchester Water Control District (WWCD) at the exclusion of the public.
- At a December 16, 2022, meeting, ODFW Commissioners changed laws pertaining to dam repair (635-412-0005) effective January 1, 2023. Winchester Dam required repairs well in excess of 30% of its structure which, under the new regulations meant ODFW would have to *reevaluate both the dam and its fish ladder and the owners must bring both up to current code compliance*. So ODFW granted the WWCD a temporary permit on December 28, 2022 – 72 hours before the new law took effect – so they could skirt the January 1, 2023, policy changes. ODFW did this so a few dozen rich homeowners wouldn’t be forced to remove the crumbling and condemned dam that creates the WWCD’s mile and a half long private water ski lake on a public river, and provides no hydropower, irrigation, or flood control.
- Unequal application of the law is a recurring theme at the Winchester Dam. When the dams were removed on the Rogue River a few years ago, ODFW refused to allow the fish ladders to be shut down or fish passage blocked for *even one minute*. But in August 2023, ODFW allowed both the fish ladder and the North Umpqua River to be dewatered – and fish passage completely blocked – for *one month*. This resulted in the biggest fish kill on an Oregon River in 2023 and an unprecedented \$27.5 million fine. Seven generations of Pacific lamprey died because ODFW failed to do its job. And the dam now leaks exponentially worse than it did prior the so-called “repairs” this summer. As you are well aware, while ODFW officials passively stood by, more than 100 six-inch holes were drilled in the condemned dam face and never patched. This exponentially increased the number of false attractants and fish passage is worse than ever before.

The WWCD continues to violate a plethora of existing laws and regulations. My neighbors and I are tired of ODFW officials responding to our letters telling us that due to the Department of Justice’s current lawsuit against the WWCD, ODFW cannot answer our questions. Enough is enough.

ODFW enforces laws and regulations on other rivers. Start enforcing them on the North Umpqua immediately. Every time the Winchester Dam is “repaired,” it results in a massive fish kill. Don’t let it happen again. Please DO YOUR JOB! Remove the Winchester Dam, dissolve the WWCD, and repeal 635-412-0005! Bring down the Winchester Dam! Bring back the fish and the jobs!

Sincerely,  
Adam Miller  
Drain, OR

[autoharper@earthlink.net](mailto:autoharper@earthlink.net)