OREGON DEPARTMENT OF FISH AND WILDLIFE  
Fish Passage Task Force  
MEETING MINUTES  
November 20, 2015  
Oregon Department of Fish and Wildlife Commission Room  
Salem, Oregon

**Attending:**  
The following attended all, or part of, the meeting:

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<tr>
<th>FPTF</th>
<th>Representing</th>
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<tr>
<td>Ken Bierly</td>
<td>Public-at-Large</td>
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<td>Bill Cunningham</td>
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<td>Doug DeHart</td>
<td>Fishing and Conservation</td>
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<td>David Heller</td>
<td>Public-at-Large</td>
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<td>Kim Kambak</td>
<td>Water Users</td>
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<td>Stuart Myers</td>
<td>Fishing and Conservation</td>
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<td>Harry Rectenwald</td>
<td>Fishing and Conservation</td>
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<td>Richard Burke O’Brien</td>
<td>Water Users</td>
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<td>Willie Tiffany</td>
<td>Water Users</td>
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<tr>
<th>ODFW</th>
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<tr>
<td>Greg Apke</td>
<td>Statewide Fish Passage Coordinator, Salem</td>
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<tr>
<td>Jean Castillo</td>
<td>Fish Screening and Passage Engineer, Salem</td>
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<tr>
<td>Ken Loffink</td>
<td>Assistant Statewide Fish Passage Coordinator, Salem</td>
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<tr>
<td>Lisa Kingsley</td>
<td>Fish Screening and Passage Program Assistant, Salem</td>
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<td>Alan Ritchey</td>
<td>Fish Screening and Passage Program Manager, Salem</td>
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<th>ODOT</th>
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<tr>
<td>William Warncke</td>
<td>Aquatic Biology Program Lead</td>
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# OREGON DEPARTMENT OF FISH AND WILDLIFE
## Fish Passage Task Force
### MEETING AGENDA

Oregon Department of Fish & Wildlife, Commission Room
Salem, Oregon

Friday – November 20, 2015 @ 0900 to 1700 hrs

<table>
<thead>
<tr>
<th>Time</th>
<th>Agenda Item</th>
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<tr>
<td>~9:00am</td>
<td>------ Call to Order &amp; Welcome and Introductions -----</td>
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<tr>
<td>~9:10</td>
<td>b New Member Introductions (All)</td>
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<tr>
<td>~9:20</td>
<td>a Review &amp; Approve Agenda July 2015 Meeting Minutes (Chair Tiffany)</td>
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<tr>
<td>~9:25</td>
<td>a Review Action Items (Kingsley)</td>
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<tr>
<td>~9:30</td>
<td>b Task Force Member Round-table Discussions (All)</td>
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<td>~10:10</td>
<td>a 2016 Meeting Dates and Locations</td>
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<td>~10:15</td>
<td>b Task Force American Fisheries Society Meeting Poster Review (Rectenwald)</td>
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<td>~10:20</td>
<td>b Salmon Super Hwy Video &amp; Presentation (Bierly &amp; Heller)</td>
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<td>~10:40</td>
<td>---Break---</td>
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<tr>
<td>~10:55</td>
<td>b ODFW-ODOT Fish Passage Liaison Recruitment Update (Apke)</td>
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<tr>
<td>~11:00</td>
<td>a ODOT – Program Updates (Warncke &amp; Apke)</td>
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<td>b Fish Passage Banking Update</td>
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<td>a Culvert Repair Program Update &amp; Project Selection Process</td>
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<td>b Ladd Creek Fish Passage Restoration Project</td>
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<td>c Gekeler Slough Culvert Exemption Update</td>
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<td>~12:00pm</td>
<td>d Working Lunch Session - East Fork South Fork Trask Dam Removal (Jean Castillo)</td>
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<td>~1:00</td>
<td>a Public Comment Period</td>
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<td>~1:30</td>
<td>b ODOT - Hwy 20 Pioneer Mountain to Eddyville Fish Passage Waiver Request (Myers)</td>
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<td>~2:30</td>
<td>b,c ODFW Program Updates (staff)</td>
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<td></td>
<td>c Fish Passage Exemptions</td>
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<td>Department of Forestry - Fish Passage Programmatic Update</td>
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<td>Artificial Beaver Dam Update</td>
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<td>~3:30</td>
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<td>~3:40</td>
<td>b Recognition of Fish Passage Partners (Kambak)</td>
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<td>~4:00</td>
<td>b Culvert Repair Program Updates on Mitigation Sites Selected (Apke)</td>
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<td>~4:30</td>
<td>a Meeting Recap and Actions Items (Kingsley)</td>
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<td>~5:00</td>
<td>**** Meeting Adjourn ****</td>
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Agenda Item Types:  
- a – Business  
- b – Information  
- c – Recommendation  
- d – Work Session
1. Call to Order & Welcome and Introductions
Willie Tiffany, Chair, called the meeting to order at 9:08 a.m., and introductions were made.

2. Review and Approve Agenda and July 2015 Meeting Minutes
Handout:
Draft Fish Passage Task Force July 24, 2015 Meeting Minutes

The Task Force reviewed the minutes from the July 24, 2015 meeting.

Stuart Myers requested a revision to page 4, item 5, paragraph 1, final sentence. The draft said “13,000 feet of habitat”, but that should be replaced with “10,900 feet of habitat”.

Motion:
Dave Heller moved to approve the minutes as revised for the July 24 Fish Passage Task Force meetings. Kim Kambak seconded the motion, and the Task Force approved 9-0.

3. Review Action Items
All action items were completed except that a tour of culverts to be repaired under the culvert repair programmatic has not yet been scheduled.

4. Task Force Member Round-table Discussions
Dave Heller
Dave Heller discussed the extreme heat conditions in streams this summer due to extreme low water and high temperatures. When instream temperatures increase to critical levels, as they did this summer, connectivity is especially important to allow fish to move into areas with more and cooler water.

Heller is pleased with the ongoing work the Tillamook Nestucca Fish Passage Partnership is completing for the Salmon Super Highway Project.

Heller expressed concern about lack of passage at Siltcoos and Tahkenitch Dams. The person who discussed the issue with Heller indicated that the fish ladder was not operating due to low lake levels, and coho were trapped below the dam. Ken Loffink, Assistant Fish Passage Coordinator, explained that he received similar reports and confirmed that the ladders are operational. Water depth levels are controlled through radial control gates that are closed during the summer to maintain the lake level. When flows into the lake increase, the gates are opened and water is allowed to flow out of the gates. At all times, a fish ladder operates, but during late summer, coho move upstream to the dam, but they do not choose to go up the fish ladder. They typically hold below the dam until flows increase and then move above the dam through the radial gates. Because the water level was a lot lower longer this year, it was more evident that they were holding below the dam. Heller recommended working with Information and Education staff to provide information about the situation to the public in that area.

The Task Force discussed operational plans for fishways. They recommended staff consider including provisions for operations during low water conditions. They also recommended staff
consult with an attorney on whether maintenance includes increasing passage when water levels change.

**Harry Rectenwald**
Harry Rectenwald noted large scale Columbia River fish passage connectivity is being considered as part of Columbia River Fish and Wildlife recovery plan efforts. As part of that effort, fish passage at Grand Coulee dam is being considered and habitat assessments will be completed in the near future.

**Stuart Myers**
Stuart Myers is busy working on a variety of small and large projects. Some projects include linear fish passage blockage with unique mitigation.

Myers attended the American Fisheries Society National Meeting in Portland in August. The presentations were high quality with a significant number of presentations focusing on fish passage.

This week, the Federal Food and Drug Administration approved human consumption of genetically modified salmon allowing it to be sold without markings to allow consumers to know it has been modified.

**Kim Kambak**
Kim Kambak discussed the low water conditions in Crook County. Kambak explained that only half of the normal irrigation water was available and water was only available until mid-September instead of mid-October. Increased erosion and perennial crop loss due to lack of water is occurring.

Kambak discussed a new sewage treatment plant being constructed in Prineville. The new system is a lagoon style plant similar to that in LaGrande. Riparian work associated with the new plant will help with erosion concerns. Once cleaned, the water will be utilized in the data farms prior to release in the rivers.

Kambak noted the reintroduction of steelhead in the area has instilled fear in the Prineville area. Apke noted the reintroduced population is classified as an experimental status under the Federal Endangered Species Act (ESA), which provides limitations to certain ESA protections and landowner liabilities. Apke recommended Kambak request a representative from National Oceanic and Atmospheric Administration Fisheries come to the Prineville area and discuss how the reintroduction can affect those in the area.

**Bill Cunningham**
Bill Cunningham discussed Mirror Pond Dam in Bend. The site is owned by Pacific Power, and they are considering removing the dam from power production. Questions about water rights, liability, and cost of dam removal are issues that have not yet been addressed.

A new white water park in the City of Bend was recently opened near the Colorado Street Bridge. Several severe injury accidents occurred in the park and it has been closed until work can be completed to make it safer.
Ken Bierly
Ken Bierly is working on the Salmon Super Highway project and will present additional information later in the agenda.

The owners of the Opal Springs Hydroelectric Facility have opened up their FERC license in order to amend their operations and provide fish passage. The majority of the estimated $8 million needed for the project have been secured with approximately $1 million remaining to be funded.

Bierly expressed disappointment that the proposed Oregon Coast Coho recovery plan did not identify passage blockages as a concern for recovery.

Burke O’Brien
Burke O’Brien noted water is scarce in the Columbia River Basin this year due to drought. O’Brien also discussed the large amount of water withdrawn from the Columbia River for irrigation and noted while pressurized irrigation systems are reducing the need for water at existing diversions, the overall need for water is increasing.

Several fires have occurred in the John Day Basin over the past several years causing significant damage to the watershed. O’Brien expressed concern about the potential for flood damage during the wet season this winter and spring.

O’Brien discussed a situation on Rock Creek where over the past 10 years a landowner has constructed 64 instream ponds to impound water. The Oregon Water Resources Department (OWRD) local water master has been notified and is working to address the ponds.

Several restoration and habitat projects in the Wilson Creek drainage have been completed. In the past, the creek was completely dry during low water. With water management after the restoration work was completed this season, when other similar drainages were dry, some water remained in Wilson Creek.

Doug DeHart
Doug DeHart discussed the need for fish to have passage in urban areas. Small streams can provide stability over time providing refuge from high water events or temperature refuge during summer months. Providing passage into these small streams can be important to maintaining the populations over time.

Willie Tiffany
Willie Tiffany noted that most diversions are required to have an identified beneficial use, but small ponds do not have the same requirement under OWRD statutes.

Tiffany explained that the Oregon Legislature meets in even numbered years for a short session and that bills addressed during that session typically do not have a lot of debate. During odd numbered years, the session is longer and allows for more debate before a bill is passed. Most water policy has a lot of debate before it is passed, so it is not typically presented in even numbered years. Tiffany anticipates a bill addressing development of municipal water permit timing relative to
maintain persistence of fish may be addressed in the upcoming session, but he does not anticipate other water policy to be addressed this session.

5. 2016 Meeting Dates and Locations
Handout: 
Fish Passage Task Force Meeting History

The Task Force selected the following dates and locations for meetings in 2016:
- March 11, 2016  Salem
- June 24-25, 2016  Rogue Area
- October 28, 2016  Salem

6. Task Force American Fisheries Society Meeting Poster Review
The Task Force had an electronic poster presented at the American Fisheries Society meeting in Portland in August. The poster, highlighting the Task Force’s role in advising the state, was shown to the group. Rectenwald and Apke presented the poster and fielded questions related to the Task Force. Thanks to Myers who helped review the poster.

Action:
Greg Apke will distribute an electronic copy of the poster.

7. Salmon SuperHwy Video & Presentation
Handout: 
Salmon Super Highway Brochure

Bierly discussed the Salmon Super Highway project. The project would reconnect habitat on a watershed basis focusing effort to restore passage for all life stages of salmon and cutthroat trout. By targeting 93 barriers that impair passage, 95% of historic access can be achieved at 20% of the cost of eliminating all barriers. Leveraging both traditional and non-traditional funding sources, increasing community awareness and engagement through innovative communications and outreach, and implementing efficiencies, the project hopes to restore fish passage to 95% of historically available habitat in the Tillamook-Nestucca Subbasin within 10 years.

To restore passage, $34 million will be needed. After commitments from Tillamook County, US Fish and Wildlife Service, the Nature Resource Conservation Service, US Forest Service, and grants secured by local partners, the project’s goal is to raise $1.4 million annually from private funds to complete the work.

8. ODFW-ODOT Fish Passage Liaison Recruitment Update
Art Martin was hired as the ODFW-ODOT Fish Passage Liaison and will start on December 21, 2015. His duties will include oversight of the Culvert Repair Programmatic and administration of the Fish Passage Mitigation Banking Pilot Project. Martin currently works for Wildlife Division, and previously served as the ODFW-ODOT Liaison.
9. ODOT – Hwy 20 Pioneer Mountain to Eddyville Waiver Request
Handout:

ODOT US 20 Pioneer Mt.-Eddyville Fish Passage Mitigation Update, November 20, 2015

Overview
Stuart Myers discussed a new fish passage waiver for the Pioneer Mountain Eddyville project that was submitted by Oregon Department of Transportation (ODOT) and is pending review.

A waiver was approved in the past for the project for similar rock buttress impacts, but two new rock buttresses will eliminate access to an additional 1,936 feet of coho and cutthroat habitat. These are the impacts to be addressed in the new waiver application. Restoration work has been identified at two sites in the Yaquina River basin that will open passage to more than 10,900 feet of habitat in an area with coho, steelhead, lamprey, chinook, and cutthroat.

Bull Creek Subbasin Mitigation
Mitigation in the Bull Creek Subbasin would include removal of a perched culvert that is a partial fish passage barrier and a land exchange that would include a 52-acre donation to US Forest Service (USFS) to be managed in late successional/riparian reserve management. Some tree removal would occur on the site to allow the forest to transition as it is currently planted for commercial harvest. The land around the mitigation site is currently owned and managed by USFS.

Heller asked what would happen to the road that the culvert is under. Myers responded the cross drains would be removed and the road would be decommissioned.

Bierly asked if the trees removed could be used for stream restoration. Myers explained the trees are too small to be used for restoration and explained that the stream has a lot of wood in it already.

Big Elk Creek Mitigation
Additional mitigation would be provided at a tidally influenced site on Big Elk Creek just upstream of the confluence with the Yaquina River. A lot of rural development and farming has limited the off channel habitat in the area. A freshwater wetland would be created with three floodplain connections. The property will have deed restrictions ensuring the mitigation is maintained in perpetuity.

Schedule
The application was submitted and ODFW provided comments and questions to the applicant. ODOT and their contractor are preparing a response to the comments and questions and will resubmit the application in December. ODFW will then complete the net benefit analysis, submit the project for public comment, and request a recommendation from the Task Force for the project.

Additional Discussion
O’Brien asked what the mitigation package will cost. Myers responded the package is anticipated to cost approximately $3 million.

Bierly noted the culvert to be removed is a partial barrier and noted additional information about the amount of time fish can pass would be helpful in reviewing the final application.
The Task Force will schedule a conference call to provide a recommendation regarding this project. Prior to the call, staff will provide the final application, a net benefit analysis prepared by ODFW, and any public comments received.

Myers noted he will not vote on the recommendation as he works for the ODOT contractor, and that would be a conflict of interest.

10. East Fork South Fork Trask Dam Removal
Jean Castillo, Fish Screening and Passage Engineer, presented the plan for removal of the East Fork South Fork Trask Hatchery Dam.

This site is a high priority for fish passage and will be completed with funds from the ODOT Fish Passage Mitigation Banking pilot project. The dam will be permanently removed and modifications will be made so that fish production that had occurred at the site can be accommodated at Cedar Creek Hatchery or other ODFW propagation facilities.

11. Public Comment Period
No public was present to comment.

12. ODOT Program Updates
Ladd Creek Fish Passage Project
Bill Warncke, ODOT Aquatic Biology Program Lead, provided an update on the Ladd Creek Fish Passage Project (also known as the 1-84 elevator shaft). This high priority passage project was completed removing a complete fish passage obstruction that blocked passage to 12-14 miles of spawning habitat. The vertical culvert inlet was replaced with a long open bottom culvert and some instream work for grade control.

Gekeler Slough
In July, the Task Force was presented with a passage exemption request from ODOT for repair of a culvert on Highway 30. The culvert is within Gekeler Slough in Mill Creek, in LaGrande.

Prior to final approval of the exemption request, the culverts began to fail and an emergency repair was completed by ODOT. Repair consisted of slip lining three existing culverts and installation of a fourth. ODFW and ODOT staff will work together to ensure the repair meets fish passage requirements. If fish passage criteria are not achieved, ODFW and ODOT may need to seek a fish passage waiver or identify other options at this location.

Passage Banking Update
Handout:
Fish Passage Credit Calculator – Testing Update, November 19, 2015

Warncke provided an update for the Fish Passage Banking pilot project. At their August 2015 meeting, the Oregon Fish and Wildlife Commission approved the pilot project and established the fish passage mitigation bank.
The project is being developed by Willamette Partnership and The Nature Conservancy under contract by ODOT, with oversight by ODFW. When complete, the project anticipates providing new tools to standardize project net benefit analyses as well as providing finances to target high priority fish passage improvement projects through a mitigation banking approach. ODFW, in conjunction with the project partners plans to establish a mitigation bank project by providing fish passage at a high priority fish passage restoration project.

Testing is underway to ensure the net benefit analysis tool will be accurate and work appropriately. This work includes both desktop analysis and on the ground work. Biologists surveyed several sites, including calibration sites, to test whether there is agreement between the biologists and the fish passage credit calculator.

**Culvert Repair Mitigation Fund Update & Project Selection Process**

Handout: *ODOT Culvert Repair Fish Passage Pilot Programmatic Agreement Funding team Meeting Summary Notes – July 27, 2015*

Warncke provided an update on the ODOT-ODFW Culvert Repair Programmatic. Culverts repaired under this programmatic will have fish passage improvements incorporated into the project but will not be required to meet all fish passage criteria. Culverts eligible for repair under this agreement must be in the area west of the Cascades, excluding the ODFW North Coast Watershed District. Repairs can include spiral wound repair, cured in place liners, replacement of culvert sections, paving or patching bottoms, and adding or extending end treatments. Slip-lining, culverts with tide gates, and culvert replacements are not eligible under this agreement. No sites are currently scheduled to be repaired under this programmatic agreement. Due to design and funding lead time, no sites were able to be repaired during the 2015 work period, but some are in the ODOT cue for culvert repair work to be completed during 2016.

ODOT will provide $1.8 million in funds to ODFW in lieu of providing full passage at selected culverts. These funds will be used for fish passage at ODFW designated statewide fish passage priority sites.

ODFW received requests from 12 projects for approximately $4.5 million in funds. A review team including ODFW staff, ODOT, and a representative from the Task Force (Dawn Nilson) reviewed the projects and provide recommendations to ODFW Fish Division Administration for funding projects.

Additional information about the pilot project is available at: [www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/Culvert-Repair-Pilot-Project.aspx](http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/Culvert-Repair-Pilot-Project.aspx)
13a. Seubert Exemption Application
Handout:
*Fish Passage Exemption Application Package for Seubert Excavators, Inc.*

Loffink presented a fish passage exemption request from Seubert Excavators, Inc. for two ponds in Malheur County that block passage to .9 miles of habitat. Staff have reviewed the request and determined that providing passage at these ponds would provide no appreciable benefit to native migratory fish.

The ponds were constructed in the early 1970’s and used for dust control and quarry operations. To retain the water right, the owner/operators were required by OWRD to either provide fish passage or show that passage is not required by ODFW.

Tiffany asked about the trigger and whether OWRD had indicated the water right was subject to forfeiture as there had not been a claim of beneficial water use for some time. Loffink responded he had not coordinated with OWRD regarding this request.

14. Director’s Welcome
Curt Melcher, ODFW Director, thanked the Task Force for their service and welcomed the new members to the Task Force.

13b. Seubert Exemption Application, continued
DeHart asked about the status of the downstream barriers. Loffink responded there are about 19 downstream artificial obstructions, but they have not been evaluated for passage and it is unknown if any are complete barriers. None of the downstream barriers have been identified as priority sites for passage.

The project will be submitted for public comment. The Task Force will review this request and provide a recommendation after public comments have been received.

15. ODFW Program Updates
Exemptions, Waivers, and Passage Plan Approvals
Handout:
*ODFW Fish Passage Program Approvals, Waivers & Exemptions Updates (7/23/15-11/19/15)*

Loffink distributed the list of fish passage approval, waivers and exemptions completed from July 23, 2015 thru November 19, 2015.

Artificial Beaver Dams
Loffink provided an update on work to define and establish rules regarding artificial beaver dams (ABD) and stream restoration. During the last legislative session, several iterations of a bill were reviewed regarding artificial beaver dams in streams, but ultimately nothing was passed.

Fish Passage Program staff are coordinating with Department of State Lands via a working group to establish rules for permitting of ABD.
**Oregon Department of Forestry**
An existing memorandum of understanding between ODFW and Oregon Department of Forestry (ODF) addresses how passage work is completed on lands overseen by ODF. Loffink is working with ODF to update the agreement to include current criteria, reporting, and training.

**Grant County Fires**
Over the summer, forest fires in Grant County severely damaged the Canyon Creek watershed. Because of the damage, catastrophic floods are anticipated this spring. The County is planning to dredge and install some short term dikes to increase the carrying capacity of streams to hopefully reduce the extent of the flooding.

ODFW owned Canyon Meadows Dam. The dam had been targeted for removal in the past due to safety concerns, but the removal had been put on hold at the request of Grant County and local constituents. The structure and surrounding area burned this summer increasing the potential for catastrophic failure. Apke provided an update on the ODFW action that permanently removed the dam this fall.

**10. Recognition of Fish Passage Partners**
Kim Kambak discussed recognition of partners who have completed fish passage work. Kambak suggested providing a framework of criteria to ODFW District Biologists to select partners to recognize.

**Action:**
Kim Kambak, Greg Apke, and Ken Bierly will provide draft criteria for recognition of fish passage partners at the March 2016 meeting and the first recognition would be in summer 2016.

**13. Meeting Recap and Action Items**
Kingsley reviewed the action items.

Items to be included in future meetings include:
- Willamette Falls and lamprey passage
- Bowman Dam
- Water quality and fish passage
  - Thermal and low water barriers
  - Effects of drought on fish passage
- Fire impacts on watershed health
- Seasonal varying flows
- Coal transportation
- Recognition of fish passage partners
- Recouping Program costs for plan approvals, waivers, and exemptions.
- Fish Passage Banking Pilot Project updates
- Fish passage exemptions in urban growth zones
- Wimer and Fielder dams removal update
- Fish Passage Priority List update of sites where work has been or is scheduled to be completed
- Operational Issues with Fishways
Large Passage Structure Needs
  o Hells Canyon Dam

Definition of Artificial Obstructions and policy considerations
  o Chemical
  o Temperature
  o Sound
  o Flow

18. Adjourn
The meeting adjourned at 4:55 p.m.