Oregon Department of Fish and Wildlife
Fish Passage Task Force

MEETING MINUTES

February 10, 2016
Conference Call
Oregon Department of Fish and Wildlife Headquarters Office
Salem, Oregon

Attending:
The following attended all, or part of, the meeting either in person or via telephone:

FPTF Representing
Ken Bierly Public-at-Large
Doug DeHart Fishing and Conservation
David Heller Public-at-Large
Kim Kambak Water Users
Stuart Myers Fishing and Conservation
Bill Cunningham Public-at-Large
Harry Rectenwald Fishing and Conservation
Willie Tiffany Water Users

ODFW Title
Greg Apke Statewide Fish Passage Coordinator, Salem
Lisa Kingsley Fish Screening and Passage Program Assistant, Salem
Ken Loffink Assistant Statewide Fish Passage Coordinator, Salem
Art Martin ODFW-ODOT Fish Passage Liaison, Salem
Alan Ritchey Fish Screening and Passage Program Manager, Salem
John Spangler Mid-Coast Watershed District Fish Biologist, Newport

ODOT Title
John Raasch Natural Resources Unit Manager
William Warncke Aquatic Biology and Fish Passage Program Coordinator

Public Representing
Not Attending Representing
Richard Burke O’Brien Water Users
**OREGON DEPARTMENT OF FISH AND WILDLIFE**

**Fish Passage Task Force**

**CONFERENCE CALL - MEETING AGENDA**

February 10, 2016

Oregon Department of Fish & Wildlife Headquarters Office

Commission Room

Salem, Oregon

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**Wednesday – February 10, 2016 1:00 p.m. to 3:00 p.m.**

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<td>~1:00</td>
<td><strong>a</strong> Call to Order</td>
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<td>~1:05</td>
<td><strong>a</strong> ODOT Hwy 20 Pioneer Mountain to Eddyville Fish Passage Waiver (Overview)</td>
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<td>~1:10</td>
<td><strong>a</strong> Project and Fish Passage Waiver Proposal</td>
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<td><strong>a</strong> ODFW Benefit Analysis and Waiver Agreement</td>
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<td><strong>b</strong> Public Comment &amp; Testimony</td>
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<td>~2:30</td>
<td><strong>c</strong> Task Force Questions, Discussion and Motion</td>
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1. Call to Order
Willie Tiffany, Chair, called the meeting to order at 1:03 p.m. The agenda was presented, and introductions were made.

2. Project and Fish Passage Waiver Proposal
Overview
Stuart Myers, Senior Scientist at Mason, Bruce & Girard, Inc., presented on behalf of Oregon Department of Transportation (ODOT) an overview of the request to waive fish passage requirement for two rock buttress fills and corresponding culverts on Cougar Creek and Eddy Creek Tributary C. John Raasch, ODOT Natural Resources Unit Manager, and William Warncke, ODOT Aquatic Biology and Fish Passage Program Coordinator, were available to answer questions.

The Pioneer Mountain to Eddyville (PME) project will replace a 10-mile segment of US20 with a new 5.5-mile segment. Construction on the PME project began in 2006 and bridges were planned for the creek crossings. Due to landslide issues and highway bed instability, the design was changed to culverts and buttresses.

Impacts
The current design will block fish passage in Eddy Creek Tributary C and Cougar Creek. Both creeks contain cutthroat trout, coho, and pacific and western brook lamprey. The construction will also change water and sediment flow.

The Task Force asked about potential impacts to steelhead at the project sites. John Spangler, ODFW Mid-Coast District Fish Biologist, responded that steelhead are present lower in the basin, but they are not likely to be present at the waiver sites.

The PME project received a previous waiver for another portion of the project. The Task Force asked for an update on the status of the mitigation for the previous waiver. Warncke responded that the mitigation is scheduled to be completed during summer 2016.

Bull Creek Mitigation
Bull Creek mitigation will include removal of a culvert, decommissioning of a road, riparian buffers, and donation of a parcel of land.

Removal of a high priority partial barrier perched culvert and localized channel/bank restoration will provide weighted volitional access to 6,540 feet of coho and 14,155 feet of cutthroat habitat. Bull Creek contains some of the highest quality coho habitat in the Big Elk Creek subbasin. Because the culvert is a partial barrier, the benefit for access to coho habitat will be adjusted from the actual 10,900 feet to 6,540 feet.

The road beyond the culvert will be decommissioned and restored. Riparian buffers will encompass approximately 17 acres extending along both sides of Bull Creek downstream of the culvert location to the confluence of Big Elk Creek. The Wetland Conservancy (TWC) will conduct long-term monitoring of the buffers.
Dave Heller asked if the logging company would be able to cable-yard over this area after the riparian buffers are initiated. Myers responded this area is not anticipated to be utilized for cabling trees over due to the location, but the company can cable over the area after discussion with TWC, and TWC will monitor the site and require maintenance per the deed restrictions.

Ken Bierly asked if the buffers are protected by a conservation easement. Myers clarified the buffers will be protected through a deed restriction only, not a conservation easement.

Greg Apke, ODFW Fish Passage Program Coordinator, asked if mitigation will be required if timber is lost as a result of commercial yarding operations. Myers explained mitigation will be addressed through the contingency plan overseen by TWC.

Apke requested ODOT and ODFW notification of operations affecting the buffer when discussions with TWC begin.

Myers noted some maintenance activities are allowed without prior discussion including hazard tree removal and road maintenance.

The mitigation will include the purchase of a 52-acre parcel to be donated to US Forest Service (USFS) Siuslaw National Forest. The parcel is currently surrounded on three sides by USFS lands. The donated parcel will be managed in late successional reserve (LSR) consistent with the adjoining USFS lands. Because the parcel was planted for a future commercial harvest in 2000, forest thinning will be necessary to set it on a LSR trajectory.

The Task Force asked how the donated acres will tracked within USFS to ensure it is managed as designated. Myers responded the lands that adjoin the parcel are all managed for LSR and these lands will be managed consistent with the surrounding lands.

Bill Cunningham asked if ODOT has secured an option to purchase the land and whether price negotiations have been completed. Myers explained that the next phase of the project includes appraising the land, negotiating price, and sequencing ownership.

**Big Elk Creek Mitigation**

Restoration at the Big Elk Creek mitigation site will include restoration of a 9.5-acre floodplain site approximately one mile downstream of the head of tide. The wetland areas will satisfy PME project wetland/waters mitigation needs.

Riparian and floodplain habitat will be restored and three floodplain channels will be constructed to provide connectivity to off-channel habitat.

NB: While this action will provide enhanced functions for native migratory fish in Big Elk Creek (floodplain and off-channel habitat connectivity), this action cannot be included into and credited towards the ODFW benefit analysis, as this mitigation action is a requirement of another agency authority and permit(s).
Summary
The impacts to Cougar Creek and Eddy Creek Tributary C will result in the cumulative loss of 1,936 linear feet of headwater stream habitat for native migratory fish, particularly spawning and rearing habitat for resident cutthroat trout and coho salmon. The mitigation actions proposed by ODOT will provide access to 6,540 feet of weighted instream coho habitat and access to 14,155 feet of upstream cutthroat trout habitat, and conserve 30.4 acres of riparian buffer area, 38.6 acres of upland habitat, and 4,967 feet of stream length.

3. Public Comment & Testimony
No public was present to comment.

4. ODFW Benefit Analysis and Waiver Agreement
Apke and Spangler presented ODFW’s benefit analysis of the waiver request.

Apke provided policy and procedural information on fish passage waivers in Oregon. Waivers are authorized and based on an evaluation of conditions that occur at the time of the trigger for fish passage. ODFW or the Oregon Fish and Wildlife Commission approves a waiver when mitigation, in lieu of providing passage, results in benefits greater than if passage were provided at the obstruction for which a waiver is sought. Mitigation must be provided in the same Oregon Water Resources Drainage Basin “in-proximity” where the trigger occurs. Once granted, a waiver is valid until the next event that triggers fish passage.

Spangler summarized the impacts and explained that the mitigation proposed would result in a net benefit to native migratory fish.

Apke summarized the public involvement process noting that no public comments were received during the public notice period.

5. Task Force Questions, Discussion and Motion
Cunningham noted the permanency of the impact to fish passage and noted appreciation for the permanency of the mitigation presented. Apke noted all impacts and mitigation for waivers should be considered permanent until the next trigger event at the site.

Cunningham noted the mitigation value was adjusted for the culvert replacement since the culvert is currently a partial barrier to fish passage. Cunningham asked whether the loss of habitat is also weighted since water and some sediment will continue to flow past the impact sites. Apke responded that the impact site will completely block fish passage at the site, so the impact is not weighted.

Bierly discussed another culvert close to the Bull Creek mitigation site. If the culvert were to be replaced, it would maximize project benefits to native migratory fish. Apke responded we would always like to increase passage, but the actions proposed for mitigation provide a net benefit to fish. The Task Force recognized the culvert replacement is not necessary to meet the requirement to provide a net benefit to fish for this project, but encouraged consideration of replacement during future work.
Prior to the meeting, the Task Force discussed via e-mail this culvert and the proposed wetland mitigation site. Those discussions are included as Attachment A.

Bierly inquired about the cost for mitigation. Myers responded the mitigation package is anticipated to cost approximately $3 million, but separate component costs are not yet available as land negotiations and contracts have not yet been completed.

**Motion:**
Bill Cunningham moved to recommend ODFW approve the request to waive fish passage at Eddy C and Cougar Creeks in exchange for the proposed mitigation in Bull Creek. Doug DeHart seconded the motion, and the Task Force approved 7-0. Stuart Myers abstained from voting due to a conflict of interest.

**6. Adjourn**
The meeting adjourned at 2:36 p.m.
The small addition with minimal cost could increase the net benefit enough to be worth while. I am sorry about tomorrows phone conference but I am tied up in some important meetings that I seem to have no control over, everyone's been there. Is a good project need to maximize is my summary.

-----Original Message-----
From: Ken Bierly <bierlykenneth@gmail.com>
To: 'Greg D Apke' <greg.d.apke@state.or.us>; 'David Heller' <daheller@aol.com>; 'Douglas DeHart' <ddehart@onemain.com>; 'Kamback, Kim' <kimkambak@gmail.com>; 'O'Brien Burke' <mcroad@co.morrow.or.us>; 'Stuart Myers' <stuartgraymyers@gmail.com>; 'Stuart Myers' <smyers@masonbruce.com>; 'William Cunningham' <greyspey@gmail.com>; 'Willie Tiffany' <williet@orra.net>
Cc: 'Art Martin' <art.c.martin@state.or.us>; 'Ken Loffink' <ken.j.loffink@state.or.us>; 'Lisa Kingsley' <lisa.m.kingsley@state.or.us>
Sent: Mon, Feb 8, 2016 2:45 pm
Subject: RE: ODOT Hwy 20 Pioneer Mtn - Eddyville Project - Task Force Meeting Wednesday 1:00 PM

I took advantage of the good weather last Thursday and looked at the site. On the way to the Bull Creek culvert I saw a tributary culvert that could easily be replaced while in the area. This would be a cost effective way to gain additional benefit. The wetland creation site raises a number of questions that I have not seen good answers; such as my observation is that the soils are quite porous and appear to be well drained alluvium. I am unclear what benefits to native migratory fish the wetlands will do at the chosen location. If the area is wet during the summer the temperatures will likely be very high. What is the tidal range and how frequent will the excavated area be inundated? I hope Stuart can help me with this.
I wanted to remind Task Force members of the ODOT Hwy 20 Pioneer Mtn - Eddyville Project Fish Passage Task Force Meeting from 1 to 3, Wednesday, Feb. 10.

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Here’s the meeting information if necessary:
1. Please join my meeting.
https://global.gotomeeting.com/join/584742661

2. Join the conference call:
Please call 1-866-434-5269 and use the access code 4956529.

Meeting ID: 584-742-661

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Greg

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Greg Apke
Oregon Department of Fish and Wildlife - Fish Division
Statewide Fish Passage Program Leader
4034 Fairview Industrial Drive SE
Salem, Oregon 97302
503-947-6228 (office)
503-931-4361 (cell)
greg.d.apke@state.or.us
ODFW Fish Passage Internet Access

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The other crossing is a bridge, so replacing the culvert would add additional habitat access to NMF. It would only enhance the net benefit of the project. I have no argument about the net benefit of the project as is, however for the amount of public money being used for mitigation there should be an effort to maximize access.

---Original Message-----

From: Ken Bierly <bierlykenneth@gmail.com>
To: 'Greg D Apke' <greg.d.apke@state.or.us>; 'David Heller' <daheller@aol.com>; 'Douglas DeHart' <ddehart@onemain.com>; 'Kamback, Kim' <kimkambak@gmail.com>; 'O'Brien Burke' <mcroad@co.morrow.or.us>; 'Stuart Myers' <stuartgraymyers@gmail.com>; 'Stuart Myers' <smyers@masonbruce.com>; 'William Cunningham' <greyspey@gmail.com>; 'William Tiffany' <williet@orra.net>
Cc: 'Art Martin' <art.c.martin@state.or.us>; 'Ken Loffink' <ken.j.loffink@state.or.us>; 'Lisa Kingsley' <lisa.m.kingsley@state.or.us>
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Greg

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Correct.

Dave-
Based on Ken’s description of his hike to the project site, I suspect he’s referring to the two small tributaries identified by the yellow arrow on the attached map.

Stuart

Stuart/Ken - what is the tributary that was mentioned needing replacement seen on the way to the site? Is it close enough to be considered in the project considerations?  Dave

-----Original Message-----
From: Stuart Myers <smyers@masonbruce.com>
To: Ken Bierly <bierlykenneth@gmail.com>; 'Greg D Apke' <greg.d.apke@state.or.us>; 'David Heller' <daheller@aol.com>; 'Douglas DeHart' <ddehart@onemain.com>; hrectenwald2@gmail.com; kimkambak@gmail.com; mcroad@co.morrow.or.us; stuartgraymyers@gmail.com; greyspey@gmail.com; williet@orra.net
Cc: 'Art Martin' <art.c.martin@state.or.us>; 'Ken Loffink' <ken.j.loffink@state.or.us>; lisa.m.kingsley@state.or.us; WARNCKE William M <William.M.WARNCKE@odot.state.or.us>; LIVINGSTON Bradley F <Bradley.F.LIVINGSTON@odot.state.or.us>
Sent: Mon, Feb 8, 2016 3:32 pm
Subject: RE: ODOT Hwy 20 Pioneer Mtn - Eddyville Project - Task Force Meeting Wednesday 1:00 PM
Ken-

I’m glad you had an opportunity to review the proposed mitigation sites. I too was on site last week (Friday) and was able to snap the attached photos of adult steelhead congregating in the scour pool below the perched Bull Creek culvert proposed for removal and in another pool immediately downstream. The steelhead are hiding under the large wood in the photos.

The soils at the Big Elk Creek mitigation site are indeed fairly well-drained. We have been conducting water table monitoring/modeling at the site since last August and intend to do so for the next year as we lead up to 2017 construction and development of the final grading plan. Our hydrology model also includes tidal influences at the site. As documented in the FPWA, creek water will flow into the off-channel wetlands during ~2-year flow events. From our initial modeling, these are the storm event water surface elevations that naturally overtop the existing bank elevations on the site. There will be three channels constructed to the wetland areas to provide the needed hydrology to support wetland characteristics and to provide ingress/egress for fish. Secondary wetland hydrology at the site comes from overland flow from three culverts that lie under Harlan Road and drain the forested hill side adjacent to the road. We anticipate that the existing small wetland out there is supported by a combination of water table inputs and surface flow from these culverts. We have a contingency plan to include a bentonite liner in the bottom of the upper wetland if additional hydrology monitoring/modeling suggests a lower than optimal water table to maintain wetland hydrology. The bentonite would help to slow water infiltration long enough to promote wetland soil characteristics during the growing season. This could lead to higher water temperature levels in summertime if the ponded water stayed put long enough for it to heat up in the sun. We have addressed this issue for fish through the initial grading design. The wetlands will have positively sloped egress channels to allow flow and fish to leave the wetlands as flows are released from the site. Fish entrapment and egress have been a key design component of these features. Given surface connectivity of the wetlands with Big Elk Creek will only occur during flows at or higher than the 2-year flood event, we expect this connectively to only occur during winter and early spring time and that as water recedes from the wetlands that fish will also instinctively leave with the flows. We are not expecting any hydrology inputs during the summer or fall month and are expecting the wetlands to be devoid of any standing water during these warm periods. The expected benefit of these features to fish is to provide high flow refugia for juvenile salmonids in a key, tidally influenced section of the Big Elk Creek watershed were very little to no off channel habitat exists.

We can discuss the Big Elk Creek site more during our meeting Wed. more if necessary, though I did want to get back to you to address your specific Big Elk Creek site question.

Stuart

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From: Ken Bierly [mailto:bierlykenneth@gmail.com]
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To: 'Greg D Apke' <greg.d.apke@state.or.us>; 'David Heller' <daheller@aol.com>; 'Douglas DeHart' <ddehart@onemain.com>; hrectenwald2@gmail.com; 'Kambach, Kim' <kimkambak@gmail.com>; 'O'Brien Burke' <mcroadow@co.morrow.or.us>; 'Stuart Myers' <stuartgraymyers@gmail.com>; Stuart Myers <smyers@masonbruce.com>; 'William Cunningham' <greyspey@gmail.com>; 'Willie Tiffany' <williet@orra.net>
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Greg