OREGON DEPARTMENT OF FISH AND WILDLIFE
Fish Passage Task Force
MEETING MINUTES

February 27, 2015
Oregon Department of Fish and Wildlife Headquarters Office
Salem, Oregon

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

FPTF Representing
David Heller Public-at-Large
Stuart Myers Fishing and Conservation
Dawn Nilson Public-at-Large
Harry Rectenwald Fishing and Conservation
Richard Burke O’Brien Water Users
Vera Simonton Public-at-Large
Willie Tiffany Water Users

ODFW Title
Greg Apke Statewide Fish Passage Coordinator, Salem
Ken Loffink Assistant Statewide Fish Passage Coordinator, Salem
Lisa Kingsley Fish Screening and Passage Program Assistant, Salem
Alan Ritchey Fish Screening and Passage Program Manager, Salem
Charles Stein Aquatic Inventories Project Leader
Dave Stewart ODFW-ODOT Fish Passage Liaison, Salem

ODOT Title
William Warncke Aquatic Biology Program Lead

Public Representing
Ginnie Grilley
Nicole Maness Willamette Partnership
Sabrina Pearson Oregon State University Student, Private Consultant
Debbie Pickering The Nature Conservancy
Shonene Scott Willamette Partnership

Not Attending Representing
Doug DeHart Fishing and Conservation
Kim Kambak Water Users
OREGON DEPARTMENT OF FISH AND WILDLIFE

Fish Passage Task Force

MEETING AGENDA
February 27, 2015
Oregon Department of Fish & Wildlife Headquarters Office
Salem, Oregon

Friday – Feb. 27, 2015 @ 0900 to 1700 hrs

~9:00 ----- Call to Order & Welcome and Introductions -----
~9:10  a Review & Approve Agenda & October 2014 Meeting Minutes (Chair Rectenwald)
~9:15  a Review Action Items (Kingsley)
~9:20  a Round-table Discussions & Member Updates (All)
~10:00 a Fish Passage Banking Initiative – (ODOT & Willamette Partnership)
11:00 ---Break---
~11:10 a Fish Passage Banking Initiative – (ODOT & Willamette Partnership)
12:00 d Working Lunch Session – Q & A session for Benefit Analysis Calculator (All)
~1:00  a Public Comment Period
~1:30  b Department of State Forestry – ODFW Fish Passage MOU Update (Loffink)
~2:00 a/c ODFW Program Updates (staff)
   •  b ODFW Director Update (Apke)
   •  b ODFW ’15 Legislative Session Update (Apke)
   •  b ODOT – Culvert Repair Programmatic Update (Apke)
   •  b ODFW – ODOT Liaison Introduction (Dave Stewart)
   •  a Approved and Pending Project Approvals (Loffink)
~3:00 ---Break---
~3:20  b Tillamook-Nestucca Fish Passage Partnership Update (Heller)
~3:35  a 2015 Chair and Vice Chair Appointments (All)
~3:50  a 2015 Member Terms and Reappointments (All)
~4:00  b Silvies Valley Ranch (Loffink)
~4:30  a Legislative Report (Apke)
~4:50 a Meeting Recap and Actions Items (Kingsley)
~5:00 **** Meeting Adjourn ****

Agenda Item Types:  a – Business
                   b – Information
                   c – Recommendation
                   d – Work Session
1. **Call to Order**
Harry Rectenwald, Chair, called the meeting to order at 9:05 a.m.

2. **Review and Approve February Meeting Minutes**
   Handout: *Draft Fish Passage Task Force October 17, 2014 Meeting Minutes*
   
The Task Force reviewed the minutes from the October 17, 2014 meeting.

   **Motion:**
   David Heller moved to approve the minutes as written for the October 17, 2014 Fish Passage Task Force meeting. Stuart Myers seconded the motion, and the Task Force approved 6-0. (Vera Simonton arrived later in the meeting.)

3. **Review Action Items**
   All action items were completed.

4. **Round-table Discussions and Member Updates**
   **Stuart Myers**
   Stuart Myers discussed a treaty between the Upper Columbia United Tribes, the United States and Canada that will expire in the near future. The treaty talks are expected to include the potential to reintroduce Salmon in the Upper Columbia River above Grand Cooley Dam.

   **Action:**
   Stuart Myers will distribute information about the soon to expire Columbia River treaty.

   **Burke O’Brien**
   Burke O’Brien noted there has been very little precipitation in Eastern Oregon, and there is very little water flowing in streams. O’Brien expressed concern about water availability for the upcoming irrigation season; he noted Phillips Reservoir above Mason Dam was almost completely drained last fall and is not likely to refill before summer.

   **Dawn Nilson**
   Dawn Nilson discussed a recent visit to Sauvie Island Wildlife Area. Areas of Sauvie Island have been identified for restoration by the Environmental Protection Agency. Nilson requested a tour of the potential restoration site.

   **Action:**
   Greg Apke will set up a tour of Oregon Department of Fish and Wildlife (ODFW) facilities on Sauvie Island.

   **Ken Loffink**
   Ken Loffink identified some recent items he has been working on including
   - Funding requests to ODFW’s Fish Restoration and Enhancement Program and Oregon Watershed Enhancement Board for fish passage at North Unit Dam in Bend.
• A semi-long term solution for passage at Nursery Bridge on the Walla Walla River in Milton-Freewater.
• Coordination with Bonneville Power Administration and the confederated tribes of the Warm Springs Reservation regarding appropriate fish passage solutions at sites in the John Day River.

Harry Rectenwald
Harry Rectenwald recommended showcasing the work of the Fish Passage Program and the Fish Passage Task Force at the American Fisheries Society (AFS) International Meeting in Portland this summer. The Task Force discussed the potential for presenting the Fish Passage Task Force’s work as a poster at the session.

Actions:
Harry Rectenwald and Greg Apke will prepare a poster for presentation at the AFS. Greg will distribute information about the AFS International Meeting this summer.

5. ODFW Program Updates (Apke)
Rogue Basin Dam Removals
The removal of Wimer and Fielder dams on Evans Creek in the Rogue Basin will occur during the summer of 2015 pending permitting and outstanding funding issues. ODFW has contributed funds for these two projects will approve the fish passage plans later this spring. Apke suggested visiting the sites during deconstruction this coming summer.

ODFW Director Update
The Commission appointed Curt Melcher to serve as ODFW’s Director. Director Melcher has worked for ODFW for 28 years in a variety of positions.

ODFW 2015 Legislative Session Update
ODFW is following approximately 100 bills that may have implications on the agency and how fish and wildlife are managed. The primary bills requested by ODFW address ODFW’s budget for the next several years. Sport and commercial license fee adjustments and a request for increased general funds is requested during this legislative session.

ODFW is not requesting fees associated with issuing passage plan approvals, waivers, or exemptions.

Action:
The Task Force asked staff to consider and identify the costs associated with fish passage plan approvals, waivers, and exemptions and to give consideration to modifying rules to implement standard fees associated with administering Oregon’s fish passage policy. This concept, which is consistent with other state agencies that have regulatory authority, may be a viable way to help augment the costs associated with permit reviews and approvals.

6a. Fish Passage Banking Initiative
Nicole Maness, Willamette Partnership; Debbie Pickering, The Nature Conservancy (TNC); and Shonene Scott, TNC provided an update for the Fish Passage Banking pilot project. Charles Stein,
ODFW Aquatic Inventories Project Lead; William Warnke, Oregon Department of Transportation (ODOT) Fish Passage Program Leader; and Apke and Dave Stewart (ODFW) were available to answer questions.

The project is being developed by Willamette Partnership and TNC 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. This fish passage mitigation bank will have a set number of fish passage credits available to mitigate for other ODOT projects that trigger fish passage where ODOT may choose to seek alternatives to providing fish passage (waivers).

The project’s objectives include supporting ODFW decision making:

- Determining quality and quantity of fish habitat needed for mitigation of impacts
- Protocols and processes for reviewing and approving waiver applications associated with the bank

The pilot project is proposed to be completed in the North Coast ODFW Watershed District Basin where good information exists for priority barriers, fish distribution and habitat, and a high demand for ODOT projects.

The project must:

- Be consistent with current policies
- Provide net benefits for fish
- Be usable by and useful to ODFW and ODOT staff

Sites where work could occur will be evaluated using a customized geographic information system (GIS) interface to calculate the habitat value situated above an artificial obstruction (culvert) including all stream reaches by species. This habitat calculator will quantify the amount and quality of habitat impacted by a project not providing fish passage and for the habitat improved by restoration of fish passage at the fish passage banking site. These tools will determine the mitigation requirements identifying how much mitigation is needed at a proposed fish passage waiver site and how much mitigation credit would be created at a bank (restoration) site.

The process for evaluating a few potential passage waiver sites and a potential restoration (banking) site was demonstrated by the project team.

Future work on the fish passage banking pilot project includes:

- Public review of the pilot project including requesting a Fish Passage Task Force recommendation (March-April 2015)
- Oregon Fish and Wildlife Commission approval (June 2015)
- Implementation of the pilot project:
  - Testing and validating the net benefit analysis tools
  - Developing banking policies and standard operating procedures (rations, bank limits, other)
• Determining program requirements
• Monitoring and reporting, and
• Evaluating success
• Making a recommendation for statewide implementation

Field testing will include ~15 sites on the North Coast. An additional five to seven other sites will be tested using the net benefit analysis tool. A Technical Advisory Group will evaluate the pilot project to ensure the objectives of being accurate, sensitive, repeatable, and usable are achieved.

The Task Force appreciated that this pilot project is being conducted in the North Coast, which is a uniquely data rich area to test the pilot project.

Nilson expressed concern about the ability to change the numbers used to calculate the credit/debit value without highlighting that the number has been changed. ODFW should use best professional judgement when accepting data changes.

Rectenwald recommended reviewing how multiple sites within the same reach would be considered. For example, would credit be identified as more or less if mitigation credit is requested at a site above a previous mitigation site?

Rectenwald approved of the approach to value debit sites at a ratio to credit sites and is interested in seeing additional work on what the ratio will be.

Heller recognized the importance of using this pilot project to develop a larger program based on specific success criteria.

7. Public Comment Period
Sabrina Pearson, a Land Use Consult from Bay City, Oregon attended the meeting. She noted the importance of implementing mitigation and other habitat projects with consideration of highest value based on a landscape scale. She also recognized the value of the work the Department and Task Force does for fish passage.

6b. Fish Passage Banking Initiative, continued
Tiffany noted there is still work to complete on geographic scope of projects when the pilot project is completed and recommendations for moving forward are made.

Tiffany also recommended consideration of whether a site could receive partial credit for completing part of a mitigation action.

Myers expressed concern about expanding the program statewide in areas where limited habitat quality and quantity data is available. He noted that some areas may require more work to compile and complete the net benefit calculator and the time and resources available to do this may be challenging for future applicants and ODFW.

The GIS tool requires technology and technical expertise to operate and manage. Myers noted future mitigation banks may be limited to those with resources available to pay for it.
Nilson discussed replicability of site value calculations. She recommended the same site be evaluated by several different users to verify the results returned are similar. Success criteria should include a certain number of projects completed by reviewers with a specific percentage of similar answers.

The Task Force noted the importance of recognizing whether the project is successful. Identifying the minimum success criteria, how the variables are tracked, and how the success is reported at the beginning of the project is important.

Rectenwald encouraged allowing a waiver to remain in place for a designated minimum amount of time. Credits could also be based upon the expected time the stream is expected to be impacted (a 30-year expected impact would cost more than a 5-year expected impact).

Stuart requested additional information about the types of actions that may be considered for a credit. Apke confirmed that ODFW rules clearly define the types of actions that can be used for fish passage mitigation. These actions may include any actions that result in “appreciable benefits” to native migratory fish that are greater than the benefits gained by providing passage at the trigger site. Typical fish passage mitigation consists of providing passage at an alternate location, but any action consistent with existing rules could be viable fish passage mitigation banking actions.

Ken Loffink discussed the difficulty of quantifying passage on a species and life stage basis at barriers.

The Task Force requested additional time to consider the pilot project prior to making a recommendation. ODFW will solicit public comment on the pilot project in anticipation of the upcoming June Commission meeting. The Task Force will be asked to advise ODFW on the pilot project and recommend whether the pilot project should be considered by the Commission.

8. Legislative Report
Apke will distribute a Draft Fish Passage Legislative Report the first week of March and requested comments/changes be returned to him within one week.

9. 2015 Chair and Vice Chair Appointments
The Task Force considered officers for 2015.

Motion:
Stuart Myers nominated Willie Tiffany for Chair. Vera Simonton seconded the motion, and the Task Force approved 7-0.

Motions:
- Willie Tiffany nominated Stuart Myers for Vice Chair. Harry Rectenwald seconded the motion.
- David Heller nominated Doug DeHart for Vice Chair. Vera Simonton seconded the motion.

Doug Dehart received four votes, and Stuart Myers received three.
10. **2015 Member Terms and Reappointments**
Apke reviewed the terms for each member.

Vera Simonton is nearing the end of her first term, and requested, due to health reasons, to not continue for a second term. Simonton recommended maintaining representation from Eastern Oregon on the Task Force.


Stuart Myers and Willie Tiffany are nearing the end of their first term and requested to continue for another term.

11. **Culvert Repair Programmatic**
Dave Stewart, ODFW-ODOT Liaison for Fish Passage, was introduced. Stewart will be overseeing the 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. $1.8 million in funds provided by ODOT to ODFW in lieu of providing full passage at targeted culverts will be used for fish passage at statewide fish passage priority sites. The Task Force will have a role in the project selection process to help identify where these funds are spent.

**Action:**
When appropriate, Dave Stewart will set up a tour of identified culverts to be repaired under the culvert repair programmatic

12. **Passage Plan Approvals, Waivers, Exemptions**
Handout:
*Approvals, Waivers, and Exemptions October 18, 2014 thru February 27, 2015*

**Pony Creek Waivers**
The Pony Creek waivers were presented to the Commission in December 2014. The package was well received, and the Commission approved the requests unanimously.

13. **Department of State Forestry – ODFW Fish Passage MOU Update**
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. Additional review by the Task Force is expected in the near future.

14. **Washington County Programmatic**
The Washington County fish passage programmatic agreement is nearing expiration. A new agreement is under development, and the Task Force will be asked to review it in the near future.

15. **Tillamook-Nestucca Fish Passage Partnership Update**
Heller presented an update on the Tillamook-Nestucca Fish Passage Partnership (TNFPP). A Meyer Memorial Trust grant is providing some funding for the partnership.

Computer simulations evaluating 160 culverts calculated that if 93 of the pipes were replaced, 95 percent of the habitat would be connected. The TNFPP Executive Team would like to see these completed over a ten year period.

An outreach package identifies job creation, improved public safety and infrastructure investments, and fish passage and habitat connectivity as benefits of the work. Funding requests have been submitted to a variety of groups and entities.

**Action:**
Please review the two Tillamook-Nestucca Passage informational handouts and provide any suggested revisions to Greg Apke or Dave Heller within two weeks.

**16. Silvies Valley Ranch**
Loffink briefed the Task Force on an interesting fish passage issue at Silvies Valley Ranch near Burns. Loffink has worked with Department of State Lands and the Governor’s office to develop a consent agreement.

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

Items to be included in future meetings include:
- Willamette Falls and Lamprey Passage
- SAME Conference Update
- Bowman Dam
- Water Quality and 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
- ODFW-ODF Memorandum of Understanding
- Washington County Passage Agreement

**18. Adjourn**
The meeting adjourned at 4:28 p.m.