

**Exhibit F**

**Public Correspondence received as of  
September 25, 2014**

**From:** [ODFW News](#)  
**To:** [ODFW All Staff](#)  
**Subject:** ODFW seeks comment on 3-year fish passage agreement with ODOT  
**Date:** Thursday, July 31, 2014 2:34:30 PM

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## **NEWS RELEASE**

Oregon Department of Fish and Wildlife

Contact: Greg Apke (503) 947-6228  
Ken Loffink (503) 947-6256  
Alan Ritchey (503) 947-6229  
Jessica Sall (503) 947-6023

July 31, 2014

### **ODFW seeks comment on 3-year fish passage agreement with ODOT**

SALEM, Ore. – The Oregon Department of Fish and Wildlife (ODFW) is seeking public comment on a proposed fish passage agreement between the Oregon Department of Transportation (ODOT) and the Oregon Department of Fish and Wildlife (ODFW). The proposed three-year pilot would allow ODOT to perform culvert repairs while providing improved passage at each repair location and strategically target high priority fish passage projects located off the ODOT road system.

According to ODOT culvert inventories on state highways, roughly one-third of the 35,000 culverts on the state highway system are in poor condition and in need of repair. Under current ODFW fish passage policy significant culvert repairs trigger fish passage requirements, which typically require replacement of the existing culvert with a larger culvert or bridge.

According to Greg Apke, ODFW Fish Passage Program coordinator, this three-year agreement will allow ODOT to make specified culvert repairs without requiring full fish passage criteria compliance. As part of the agreement, ODOT would improve fish passage conditions at each site they repair, and pay 1.8 million dollars into an ODFW-managed account that would fund high priority fish passage projects. In addition, ODOT would fund a new transportation liaison position, managed by ODFW, to coordinate the agreement's implementation.

Apke added that ODFW believes this approach will provide a net benefit to native migratory fish over current practices as the agreement mandates that ODOT provide incremental fish passage improvements at culvert repair sites, and funding for high priority fish passage projects on the ODFW statewide priority list. In exchange, the agreement allows ODOT to perform cost effective short-term culvert repairs. Monitoring during the pilot period will evaluate the impacts on fish and the effectiveness of the culvert repairs.

The proposed three-year agreement is currently being reviewed by the Fish Passage Task Force and will be presented to the Oregon Fish and Wildlife Commission for approval in October. Members of the public have until Aug. 21, 2014 to submit written comments on the proposed agreement for consideration by the Fish Passage Task Force. The agreement and supporting materials can be

viewed at <http://www.dfw.state.or.us/fish/passage/>.

Members of the public can send written comments to or request additional information from Greg Apke, ODFW Fish Passage Program Coordinator, 3406 NE Cherry Ave. NE, Salem, OR 97303, e-mail, [Greg.D.Apke@dfw.state.or.us](mailto:Greg.D.Apke@dfw.state.or.us), by calling (503) 947-6228 or to Ken Loffink, ODFW Assistant Fish Passage Program Coordinator, email, [Ken.J.Loffink@state.or.us](mailto:Ken.J.Loffink@state.or.us), or by calling (503) 947-6256.

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**From:** [Lind, Yancy A - BEND OR](#)  
**To:** [Ken.J.Loffink@state.or.us](#); [Greg.D.Apke@state.or.us](#)  
**Cc:** [csp955@yahoo.com](#); [dunahay@bendbroadband.com](#); [debbiejhn54@gmail.com](#); [ladyd@bendcable.com](#); [steelefly2@msn.com](#); [waldo1ft@msn.com](#); [wierzba87@bendbroadband.com](#); [sstrsrobert@bendbroadband.com](#); [dancingtrout@gmail.com](#); [schoessler.karivan@gmail.com](#); [rossleeann@yahoo.com](#); [mtripp@bendcable.com](#); [tjfishes@bendbroadband.com](#); [steve.stevens](#); [Alan Ritchey](#)  
**Subject:** Comment on 3-year ODOT/ODFW fish passage agreement  
**Date:** Monday, August 11, 2014 11:07:42 AM

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To:

Greg Apke, ODFW Fish Passage Program Coordinator  
Ken Loffink, ODFW Assistant Fish Passage Program Coordinator

Cc:

Alan Ritchey, ODFW Fish Screening and Passage Program Manager  
COF Board of Directors

Greg, Ken,

Central Oregon Flyfishers (COF) is a fly fishing club with approximately 300 members located in Bend, Oregon. We are an active club with education classes for our members, two youth education programs (one that we operate in conjunction with ODFW's local STEP biologist), conservation activities, and, of course we like to go fishing. I have been authorized by the COF board of directors to write to you on behalf of our club regarding the proposed 3-year fish passage agreement between ODFW and ODOT.

We support the proposed agreement with one stipulation. We believe it is the case, but want to make clear, that we support the agreement to the extent that decisions regarding the selection of culverts for less than full passage criteria compliance and prioritized allocation of funds for fish passage projects are made by fisheries biologists using their best judgment for making trade-offs that will improve the overall habitat for fish statewide.

Best regards,

Yancy Lind  
Conservation Chair, Central Oregon Flyfishers

Yancy Lind, CRPC®  
Lind | White Group  
Senior Financial Advisor | Vice President  
Merrill Lynch Global Wealth Management  
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"The interest of our customers must come first." - Charles E. Merrill

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**From:** [Cyndi Karp](#)  
**To:** [Greg D Apke](#)  
**Subject:** ODFW/ODOT Fish Passage Agreement  
**Date:** Thursday, August 21, 2014 1:47:53 PM

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Hi Greg,

I have read through the Fish Passage Draft Agreement between ODFW and ODOT. I am very concerned with V. General Provisions #4, Termination. It is far too easy to terminate this contract between ODFW and ODOT.

This agreement should be much more difficult to terminate. The Governor of Oregon should have to sign off on the termination of this agreement between both State agencies. I am very uncomfortable with ODOT or ODFW being able to back out of this agreement in 30 Days. I object to the highest degree. This is a three year agreement. It should not be so easy to back out of commitments made to this program after signing.

Thank you for submitting my comments on the Draft ODFW/ODOT Fish Passage Pilot Programmatic Agreement.

Sincerely,

Cyndi Karp  
PO Box 506  
Waldport, OR 97394  
541-272-2412

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# NATIVE FISH SOCIETY

*Advancing the Recovery of Native, Wild Fish in Their Homewaters*

August 17, 2014

Memo to: Greg Apke  
ODFW Fish Passage Program Coordinator  
From: Jim Myron, Lobbyist  
The Native Fish Society

Dear Greg:

Subject: Proposed Pilot ODFW-ODOT Fish Passage Programmatic Agreement

The Native Fish Society appreciates this opportunity to comment on the proposed agreement between ODFW and the Oregon Department of Transportation regarding the issue of fish passage at state owned culverts. After reading through the proposed agreement, we have a number of questions that we think should be addressed by your staff and the Fish Passage Task Force before this agreement is finalized and sent to the Oregon Fish and Wildlife Commission for adoption.

\* This proposed pilot program appears to provide ODOT with an exemption to the requirement to provide fish passage at certain culverts when a triggering event occurs. Will the adoption and implementation of this pilot program save more native fish than what would be the case if the existing statutory requirements were to be met by ODOT or is the primary intent of the program to provide ODOT with some flexibility that they currently do not have?

\* Provision III.A. When the pilot program expires at the end of the initial three year period of time, would there be a mechanism to renew the agreement if it is working well?

\* Provision III.B. Who makes the determination about whether "passage conditions are improved" and by how much?

\* Provision III.C. How was the \$1.8 million dollar figure determined and how will those funds be allocated?

\* Provision III.D. This provision seems to cap ODOT's future expenditures for fish passage at \$4.2 million annually for the next three years. Is that the case?

The overarching question still seems to be whether native migratory fish would be better off under this new pilot program or under a plan for the state to aggressively implement and enforce existing laws on fish passage at culverts. How would you answer that question?

**From:** [Jan Fergusson](#)  
**To:** [Greg.D.Apke@state.or.us](mailto:Greg.D.Apke@state.or.us); [Ken.J.Loffink@state.or.us](mailto:Ken.J.Loffink@state.or.us)  
**Cc:** [Bill Kremers](#); [Tom Vanderplaat](#); [Mark Hutchinson](#); [Bob Rees](#); [Brad Halverson](#)  
**Subject:** ODOT/ODFW Programmatic Fish Passage Agreement  
**Date:** Wednesday, August 20, 2014 11:31:52 AM

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To:

Greg Apke, ODFW Fish Passage Program Coordinator  
Ken Loffink, ODFW Assistant Fish Passage Program Coordinator

Cc:

Alan Ritchey, ODFW Fish Screening and Passage Program Manager

Dear Sirs,

The Association of Northwest Steelheaders numbers about 1600 members, mostly in Oregon. We have been active in fisheries and habitat issues since our inception in 1960. We think that providing unimpeded passage to high quality habitat is critical.

We support the proposed 3-year programmatic agreement between ODFW and ODOT. In supporting the agreement, we are assuming that the \$1.8 million fund will be used to assure prompt completion of one or more high priority, high gain fish passage projects. We further assume that each of the culvert repairs conducted under this agreement will measurably improve fish passage, and that one effect of the agreement will be a reduction in requests for fish passage waivers.

The agreement requires passage conditions to be improved, but does not indicate the standard of the improvements such as increase of river miles of fish habitat access or other applicable criteria.

It would be helpful to include information on the number of culvert repairs and/or ODOT level of funding for these activities. This information would provide the opportunity to assess the adequacy of the \$1.8 M funding level.

A 3-year monitoring requirement seems short for assessing the level of passage improvement given that fish life cycles are longer. We suggest it be increased to 5 years.

The annual list of culverts proposed for repair under the agreement submitted by ODOT should include site descriptions, proposed actions, and descriptions of the anticipated passage improvements.

It is not clear to us what the function of the ODFW/ODOT liaison position is. ODOT or its designee (per Section 4 -3 Monitoring and Reporting) would be responsible for assessing the extent of fish passage improvement. It is not clear whether this would be a function of the liaison position. In any event, we would prefer ODFW to have significant input or outright control over the biologist selected to conduct the monitoring.

We expect ODFW to diligently exercise its right to inspect road crossings covered under this agreement.

ODFW and ODOT should provide electronic documents and opportunity for public comment upon submission of the annual monitoring report and the annual list of proposed culvert repairs under the agreement.

Thank you for the opportunity to comment.

Ian Fergusson  
Co-Resources Director  
Association of Northwest Steelheaders



# The Deschutes

PARTNERSHIP

Protecting land & restoring rivers for salmon & steelhead

August 20, 2014

Greg Apke  
ODFW Fish Passage Program Coordinator  
3406 NE Cherry Avenue NE  
Salem, OR 97303

Re: ODFW/ODOT Fish Passage Agreement

Dear Mr. Apke:

The Crooked River Watershed Council, Upper Deschutes Watershed Council, Deschutes River Conservancy, and Deschutes Land Trust work collaboratively as the Deschutes Partnership to support the reintroduction of salmon and steelhead into the upper Deschutes Basin.

A major theme of our collaboration is strategically focusing capacity and capital on the highest priority fish habitat projects in the the Lower Crooked River, Metolius River, Whychus Creek, and Middle Deschutes subwatersheds. Fundamental to this approach is a transition from the old mode of opportunistic response to a new mode of strategic action.

We see parallels to this transition in ODFW's and ODOT's effort to refine their collaboration on fish passage barriers to use available capacity and funding — always limited — more efficiently and effectively. We urge the Fish Passage Task Force and Oregon Fish and Wildlife Commission to approve the ODOT Culvert Repair Fish Passage Pilot Programmatic Agreement.

Sincerely,

Brad Nye  
Conservation Director  
Deschutes Land Trust  
*On behalf of the Deschutes Partnership*

Greg D. Apke  
Oregon Department of Fish and Wildlife – Fish Division  
Statewide Fish passage Program Coordinator  
Salem, OR 97302

August 21, 2014

Greg,

The Board of Directors for the Deschutes Chapter of Trout Unlimited has authorized me to provide comments on the proposed Oregon Department of Transportation Culvert Repair Fish Passage Pilot Programmatic Agreement. The Deschutes Chapter of Trout Unlimited is composed of over 600 members from Eastern Oregon. We are an active Chapter and have supported habitat, passage, and aquatic educational work throughout the Deschutes River Basin. Our most recent efforts have been on the Metolius, Fall, and Crooked Rivers.

Trout Unlimited approach to conservation is to protect critical habitat, reconnect degraded waterways and restore populations of coldwater fisheries. Our review of the proposal shows even though fish passage standards will be lowered in some cases, our conservation goals can be met through the application of increased mitigation funds provided to the ODFW passage account toward statewide priority passage needs. The Deschutes Chapter therefore supports the Agreement.

Thank you for the work you do for the Oregon's fish.

Rick Stowell  
Deschutes Chapter, Conservation Committee