

Exhibit B

Grass Carp Stocking Rulemaking

**Supplemental
Public Correspondence received
as of February 14, 2023**

ODFW

FEB 10 2023

Director's Office

RE: Devils Lake Permit & OARChange

Dear ODFW Commission:

Devils Lake is an integral part of my neighborhood and now more than ever our beautiful lake needs our help. The Devils Lake Water Improvement District (DLWID) is pursuing a permit under OAR 635-056-0075(2) from the Oregon Department of Fish and Wildlife (ODFW) to re-introduce sterile grass carp into Devils Lake. In furtherance of this goal the District has submitted a permit application which also serves as its management plan setting forth the timelines, policies, and processes that will be used for the re-introduction and ongoing management of grass carp in Devils Lake. In order for our permit to be processed certain changes to the Oregon Administrative Rules (OAR's) will be presented by ODFW staff for your consideration in the February Commission meeting.

I would like to express my sincere appreciation toward the ODFW staff for working through these issues and identifying the OAR changes that are currently before you for consideration. I would also like to thank you in advance for the pending approval of the required rule changes. A positive response by the Commission will allow the Devils Lake Water Improvement District to begin stocking sterile grass carp this spring.

The stakes couldn't be higher as over the past year, the situation in Devils Lake has become dire with the explosive growth of elodea. In 2019, DLWID conducted a plant survey which was used to map plant biomass in the lake. At that time, elodea was discovered in a limited area immediately adjacent to Devils Lake State Park boat ramp. In August 2022, the Devils Lake Neighborhood Association performed an extensive survey of the lake indicating 48.6 percent of the lake by volume was occupied with elodea. Surface coverage of the weeds was 40.1 percent, with 100 percent of the bottom of the lake covered with elodea. Engineering estimates of the volume of material indicate as much as 116 million cubic feet of elodea present at the time of the survey.

Given the shallowness of the lake, elodea is greatly impacting all beneficial uses of Devils Lake, including the migration of native coho salmon into Rock Creek. Native freshwater clam beds have disappeared in some areas of the lake, impacting otters. Limited visibility is impacting the use of Devils Lake as a nesting and feeding ground for bald eagle, osprey, egrets, herons and migratory birds. Many areas of the lake have become unnavigable to boats and unsafe for swimming. Continuing to allow the explosive growth of elodea into Devils Lake may result in the introduction of this invasive species into other water bodies throughout the Pacific Northwest through direct transmittal on watercraft. Although the Devils Lake Water Improvement District is committed to implementing a multi-pronged approach to addressing elodea, the introduction of grass carp into Devils Lake is vital to a long-term solution to this problem.

To ensure that Devils Lake Water Improvement District has the tools necessary to ensure the lake can be enjoyed by Oregonians for generations to come, I request that the Commission vote in favor of the proposed changes to OAR 635-056-0075(1)(a).

Sincerely,

Jinda Anderson, 3110 NE 20th Place, Lincoln City
Devils Lake Resident

ODFW

FEB 10 2023

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Sincerely,



Devils Lake Resident
3110 NE 20TH PLACE
LINCOLN CITY, OR 97367

ODFW

FEB 10 2023

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Sincerely,


Devils Lake Resident

ODFW

FEB 13 2023

Director's Office

EMERSON Steven C * ODFW

From: patti mcgrath <pattil24@yahoo.com>
Sent: Saturday, February 11, 2023 9:52 AM
To: COMMISSION ODFW * ODFW
Subject: Devils Lake
Attachments: Carp letter.docx; Devils Lake Weed 2.jpg; Devils Lake Weed 3.jpg; Devils Lake Weed.jpg

Dear Commissioners:

For almost 70 years, Devils Lake has been an integral part of my life. I grew up spending my summers there, as have my children and now my grandchildren! Now more than ever our beautiful lake is in desperate need of our help. The Devils Lake Water Improvement District (DLWID) is pursuing a permit under OAR 635-056-0075(2) from the Oregon Department of Fish and Wildlife (ODFW) to re-introduce sterile grass carp into Devils Lake. Toward this endeavor, the District has submitted a permit application, which also serves as its management plan; setting forth the timelines, policies, and processes that will be used for the re-introduction and ongoing management of grass carp in Devils Lake. In order for the permit to be processed certain changes to the Oregon Administrative Rules (OAR's) will be presented by ODFW staff for your consideration in the February Commission meeting.

This has been a long and ongoing process. A huge thank you with much appreciation to the ODFW staff for working with DLWID and helping with the issues, as well as, identifying the OAR changes that are currently before you for consideration.

Over the past year, the situation in Devils Lake has reach crisis level with the explosive growth of elodea. By way of recap:

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Since Devil's Lake is so shallow (averaging 8.5' in depth), elodea has reached the surface quickly and is greatly impacting the quality of the water, as well as the ability of the lake to sustain the wildlife and fish populations, including the migration of native Coho salmon into Rock Creek. Limited visibility is impacting the nesting and feeding grounds for bald eagles, osprey, egrets, herons and migratory birds. All types of watercraft from paddleboards and kayaks to jet skis and recreational boats are unable to navigate in the lake. And you can forget about swimming!

Unchecked, this unprecedented and explosive growth of elodea in Devils Lake may result in the introduction of this invasive species into other water bodies throughout the Pacific Northwest through direct transmittal on watercraft.

The introduction of grass carp into Devils Lake is vital to a long-term solution to this problem. If these steps aren't adopted, the lake literally will turn into a 'mud puddle', exactly like what occurred in the early-mid '80s. We appreciate and respect your responsibility and commitment to protect Oregon fish and wildlife, but without the ability to re-introduce sterile carp at the levels that DLWID is recommending there will be no lake for fish, wildlife or Oregonians. This not only impacts Oregon's environment but has dire economic consequences as well. Our experience in the 80's, when carp were originally introduced into Devil's Lake, was impressive resulting in a rapid improvement in the water quality that was sustainable for nearly 35 years. Attached are a few pictures from last summer showing how devastating this weed became in just one year.

The Devils Lake Water Improvement District is committed to implementing a multi-pronged approach to addressing elodea. However, to ensure the ongoing and sustained success of restoring the lake so it can once again be enjoyed by Oregonians for generations to come, we implore you to vote in favor of the proposed changes to OAR 635-056-

1/18/2023

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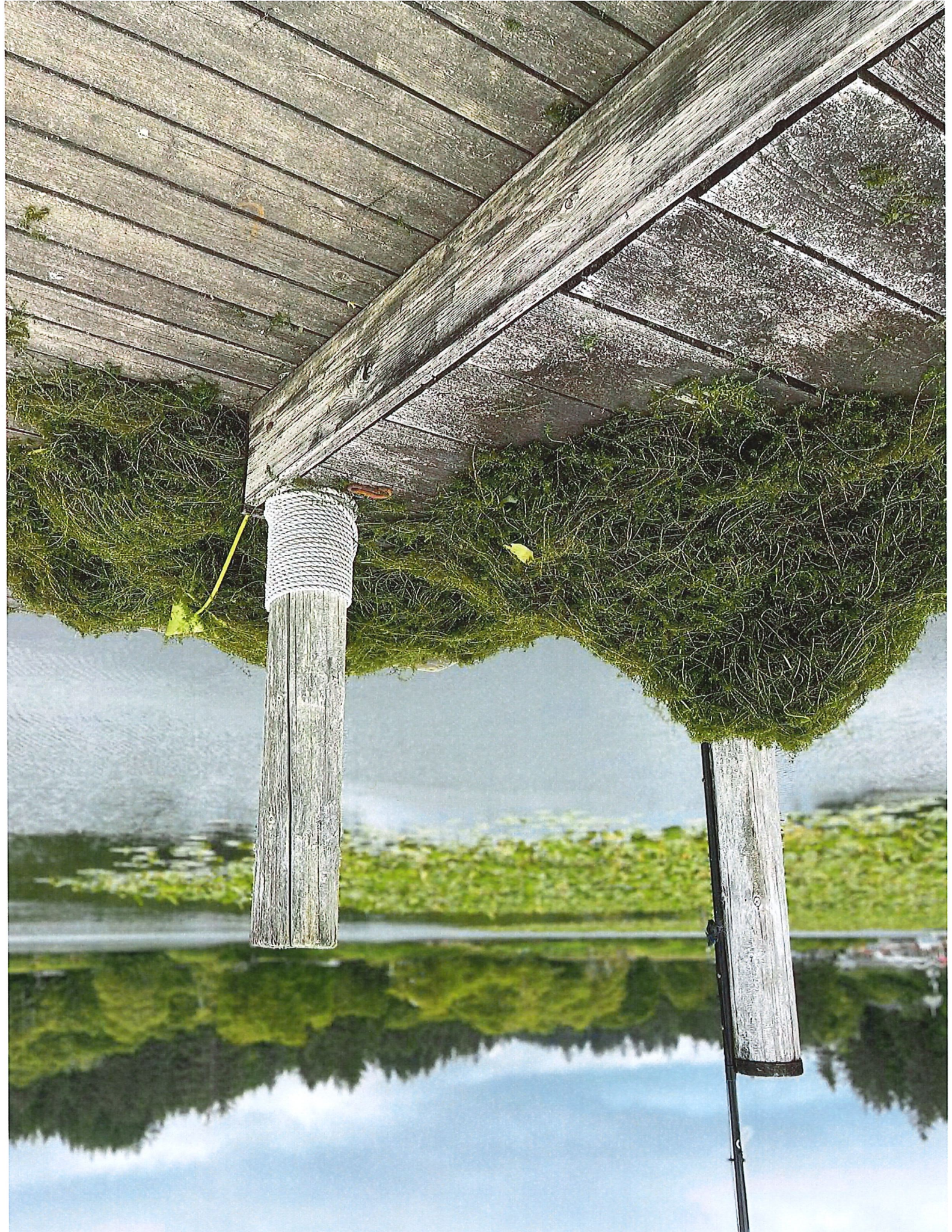
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EMERSON Steven C * ODFW

From: Suzanne McGrath <sue@vcmi.net>
Sent: Monday, February 13, 2023 8:41 AM
To: COMMISSION ODFW * ODFW
Cc: Bernie McGrath (bernie_mcgrath@hotmail.com)
Subject: Devil's Lake, Lincoln City, Carp
Attachments: Devil Lake, Lincoln City Carp Problem.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Commissioners,
We appreciate your consideration for solution of the weeds taking over our Lincoln city home lake home.
Please see attached letter,

Bernie and Sue McGrath
Owners at Devil's Lake, Oregon (Lincoln City)
Best phone number: (503) 367-1881

**Bernie and Sue McGrath, Owners
Loop Drive LLC
2877 NE Loop Drive
Otis, OR 97368**

February 11, 2023

Dear Commissioners:

For almost 70 years, Devils Lake has been an integral part of McGrath family life. Bernie grew up spending summers there, as has our daughter and now our grandchildren! Now more than ever our beautiful lake is in desperate need of help. The Devils Lake Water Improvement District (DLWID) is pursuing a permit under OAR 635-056-0075(2) from the Oregon Department of Fish and Wildlife (ODFW) to re-introduce sterile grass carp into Devils Lake. Toward this endeavor, the District has submitted a permit application, which also serves as its management plan; setting forth the timelines, policies, and processes that will be used for the re-introduction and ongoing management of grass carp in Devils Lake. For the permit to be processed certain changes to the Oregon Administrative Rules (OAR's) will be presented by ODFW staff for your consideration in the February Commission meeting.

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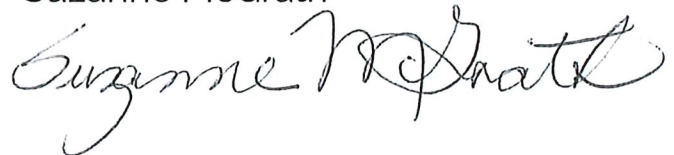
Thank you for your time and consideration of the pending approval of the required rule changes. Devil's Lake is an incredibly special and significant part of many families and for many generations. The health of this amazing lake rests in your hands. Please help us save it for future generations and for Oregon.

Sincerely,

Bernie McGrath



Suzanne McGrath



Note: All mail to us should be sent to 5960 S Riverpoint Lane, Portland, OR 97230-5904

EMERSON Steven C * ODFW

From: Marina Johnson <marina@vcmi.net>
Sent: Monday, February 13, 2023 7:28 AM
To: COMMISSION ODFW * ODFW
Subject: Devil's Lake

Dear Commissioners:

Our home at Devil's lake has been in our family for almost 70 years and I have enjoyed spending time there for my 48 years of life. I grew up spending weekends there in the summer. Now more than ever our beautiful lake is in desperate need of our help. The Devils Lake Water Improvement District (DLWID) is pursuing a permit under OAR 635-056-0075(2) from the Oregon Department of Fish and Wildlife (ODFW) to re-introduce sterile grass carp into Devils Lake. Toward this endeavor, the District has submitted a permit application, which also serves as its management plan; setting forth the timelines, policies, and processes that will be used for the re-introduction and ongoing management of grass carp in Devils Lake. In order for the permit to be processed certain changes to the Oregon Administrative Rules (OAR's) will be presented by ODFW staff for your consideration in the February Commission meeting.

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EMERSON Steven C * ODFW

From: Sarah Wheeler <sgreenley@gmail.com>
Sent: Friday, February 10, 2023 7:36 PM
To: COMMISSION ODFW * ODFW
Subject: Devils Lake - please help!
Attachments: Letter to Commission from Members Feb 2023.docx

Dear Commissioners,

Please see attached letter. Thank you!

Sarah Wheeler

February 10, 2023

Dear Commissioner:

My name is Chris I am 8 and please bring back the carp so the weeds will go away because I want to swim again.

My name is Sarah and I'm Chris' mom. Our family owns a home on Devils Lake, where we have been blessed with family activities such as fishing, swimming, boating, canoeing, and paddleboarding. It's an amazing place where our family and extended family can enjoy the beauty of Oregon. My husband and 8- and 12 year-old son love to fish the lake for trout and bass. The abundance of migratory birds is amazing, and I believe Devils Lake has historically had the greatest concentration of migratory waterfowl on the Oregon Coast.

All of this has been dramatically impacted in the last year as the elodea has been too thick. In the west end of the lake where we are (and several other areas), the mats of elodea are so thick that fishing is impossible and swimming is unsafe. My paddleboard gets stuck, and we have towed another boat to shore whose motor was overheated and disabled due to the weeds. We have been here four years and anecdotally, I have seen many less birds over the last year – especially eagles and herons.

Despite our efforts at raking the weeds out, washing our boat, and the volunteer efforts of others in the community doing the same, the problem needs a more effective solution. We need your help!

As you know, The Devils Lake Water Improvement District (DLWID) is pursuing a permit under OAR 635-056-0075(2) from the Oregon Department of Fish and Wildlife (ODFW) to re-introduce sterile grass carp into Devils Lake. In furtherance of this goal the District has submitted a permit application which also serves as its management plan setting forth the timelines, policies, and processes that will be used for the re-introduction and ongoing management of grass carp in Devils Lake. In order for our permit to be processed certain changes to the Oregon Administrative Rules (OAR's) will be presented by ODFW staff for your consideration in the February Commission meeting.

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EMERSON Steven C * ODFW

From: Howard Katz <hkatz63@gmail.com>
Sent: Friday, February 10, 2023 1:41 PM
To: COMMISSION ODFW * ODFW
Subject: Devil's Lake - Consideration and vote on OAR 635-056-0075(1)(a)
Attachments: Devils Lake commision Ltr_01.pdf

Sirs, Madam,

Attached is our letter requesting your affirmative vote in the upcoming meeting regarding Devil's Lake.

Howard & Sandy Katz

Howard & Sandy Katz
1635 NE East Devils Lake Rd.
Otis, OR 97368

Dear Commissioners:

We are aware you likely received a number of letters with similar language requesting you permit the reintroduction of grass carp into Devils Lake.

We agree with the items described in the letter as it expresses in simple factual terms persuasive realities based upon: common sense, scientific fact as well as the notion that all living beings— chief among them humans— deserve the gifts of nature granted us, together with the ability to maintain and improve upon them.

We support eliminating the current plague that is elodea as it has transformed, in a short period, a beautiful model of nature into a mire of swamp like bog chocking out native birds, fish and other wildlife.

You can restore Devil's Lake by voting to permit the reintroduction of grass carp, a species that eats this noxious weed while at the same time permitting other natural species to coexist in the lake.

Please allow the residents and visitors on the lake to continue to enjoy and care for the natural beauty that is Oregon; we request that the Commission vote in favor of the proposed changes to OAR 635-056-0075(1)(a).

Sincerely,

Howard and Sandy Katz

EMERSON Steven C * ODFW

From: Clark Williams <Clark@Heltzel.com>
Sent: Friday, February 10, 2023 9:41 AM
To: COMMISSION ODFW * ODFW
Cc: 'julielwilliams654@gmail.com'
Subject: Devil's Lake elodea problem

Dear Commissioner:

My name is Clark Williams. My wife Julie and I recently purchased our home on Devils Lake after living 46 years in Salem, anticipating my full retirement in the next year or two. This is our “dream home” that we have anticipated to be able to share with our four grown children and our now eleven grandchildren for years yet to come.

We moved here onto the Lake full time last spring, only to be greatly surprised by the pervasive elodea growth that choked the entire lake last summer. The elodea made it impossible to do any motor boating on the lake. Our motorboat never left the garage. Even sailing my little Sunfish sailboat became impossible as the elodea would capture and wrap around my centerboard and rudder. We were limited to kayaking and paddle boarding. The disappointment on the faces of our grandchildren who visited was palpable, as they stood on the dock peering over the lake only to imagine what they had missed.

I understand that in August 2022, the Devils Lake Neighborhood Association performed an extensive survey of the lake indicating 48.6 percent of the lake by volume was occupied with elodea. Surface coverage of the weeds was 40.1 percent, with 100 percent of the bottom of the lake covered with elodea. Engineering estimates of the volume of material indicate as much as 116 million cubic feet of elodea present at the time of the survey.

The elodea is out of control. As I am sure you know, the introduction of sterile grass carp in the past has worked miracles to keep vegetation to a manageable level. But now the carp are gone, which is why the elodea been able to grow rapidly and unchecked.

I am told that the Devils Lake Water Improvement District (DLWID) is pursuing a permit under OAR 635-056-0075(2) from the Oregon Department of Fish and Wildlife (ODFW) to re-introduce sterile grass carp into Devils Lake. In furtherance of this goal the District has submitted a permit application which also serves as its management plan setting forth the timelines, policies, and processes that will be used for the re-introduction and ongoing management of grass carp in Devils Lake. In order for our permit to be processed certain changes to the Oregon Administrative Rules (OAR's) will be presented by ODFW staff for your consideration in the February Commission meeting. A positive response by the Commission will allow the Devils Lake Water Improvement District to begin stocking sterile grass carp this spring.

To ensure that Devils Lake Water Improvement District has the tools necessary to ensure the lake can be enjoyed by Oregonians for generations to come, I request that the Commission vote in favor of the proposed changes to OAR 635-056-0075(1)(a).

Sincerely,

Clark & Julie Williams
3240 NE 30th Dr.
Lincoln City, OR 97367

clark@heltzel.com
503-69-4422 (Clark)
503-871-4662 (Julie)

EMERSON Steven C * ODFW

From: Martinson Marcella <Marcella.Martinson@oregonlegislature.gov>
Sent: Wednesday, February 8, 2023 11:06 AM
To: COMMISSION ODFW * ODFW
Subject: Written testimony for 2/17 Commission Meeting
Attachments: Rep. Gomberg_letter of support_Devils Lake Water Improvement District.pdf

Categories: Green Category, Blue Category

Dear Chair Wahl and Commissioners,

Attached you will find Rep. Gomberg's letter of support for the Devils Lake Water Improvement District to be submitted for the 2/17 Commission meeting. Please let me know if you have any questions. Thank you.

Warm regards,

Marcella Martinson (she/her)

Legislative Intern, HD 10
State Rep. David Gomberg
900 Court St. NE, H-480
Salem, Oregon 97301
O: 503-986-1410

DAVID GOMBERG
STATE REPRESENTATIVE
DISTRICT 10



HOUSE OF REPRESENTATIVES

February 7, 2023

Mary Wahl, Chair
Oregon Dept. of Fish and Wildlife Commission
4034 Fairview Industrial Dr. SE
Salem, OR 97302

Dear Chair Wahl and Members of the Commission,

I am writing in support of the Devils Lake Water Improvement District's proposal to mitigate the growing issue of submerged aquatic plants in Devils Lake by introducing sterilized grass carp.

I am deeply concerned about the challenges our coastal lakes are facing with warming waters, algae growth, and weeds that make them practically unusable. Proper maintenance of our lakes is critical to preserve them in both beauty and functionality for generations to come.

The proposal by the Devils Lake Water Improvement District to introduce sterilized grass carp is an important step in controlling submerged aquatic plants. These carp were previously used successfully in the 1990s to control vegetation. Due to some of the provisions of the Oregon Department of Fish and Wildlife's current rules, restocking the lake is not allowed.

I am in full support of making the rule changes necessary to authorize the Devils Lake Water Improvement District to restock Devils Lake with sterilized grass carp that will allow for the lake's continued health.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "David Gomberg". The signature is written in a cursive style with a large, looping "G" at the end.

Representative David Gomberg
Oregon House District 10

EMERSON Steven C * ODFW

From: Noel Walker <siriusfeller@gmail.com>
Sent: Wednesday, February 8, 2023 6:24 PM
To: COMMISSION ODFW * ODFW
Cc: Noel Walker; Tina Davidson Walker
Subject: Re: Devils Lake resurrection efforts

> On Feb 8, 2023, at 5:58 PM, Noel Walker <siriusfeller@gmail.com> wrote:

>

> Dear leaders of the ODFW Commission,

> My name is Noel Walker, and my wife, Tina, and I lived on Devils Lake from July of 1985 until December of 2022. We owned and operated a small motel there from 1985 until 2004, which we sold, and a marina and boat rental from 1987 until 2021 when we closed it due to retirement. We then sold the property to the Devils Lake Water Improvement District in December of 2022, after which we moved to Enterprise, Oregon. I am writing this letter in support of the District and the residents of Devils Lake and Lincoln City in their efforts to re-introduce sterile grass carp to the lake.

> In my experience, it is the only viable approach to returning the Devils Lake to a useable state.

> When my family and I arrived in 1985, we had no idea that the

> lake was in the terrible condition it was at that time. The following

> spring saw explosive weed growth throughout the lake. As a result, I rented few boats and was forced to spend most of my time resurrecting the motel and the docks. Fortunately, the Devils Lake Water Improvement District was formed and empowered to address the weed problem at about that time. There was hope! The District, with the Commission's approval, chose to introduce sterile grass carp purchased from a company in Arkansas. We were told that it would likely take a couple of years before we would see a measurable improvement, but that the other few approaches would either be much more costly, impractical, or politically objectionable. After all, who among the public would want poison used in a lake surrounded by houses? And harvesting of the weeds would be endless and continually expensive. Where would you put the cut weeds?, some asked. Issues of heavy metals and land rental are what I recall being discussed. The use of grass carp was something new to most of us. A local dentist discovered them, I believe, and suggested that they be considered. I remember reading about them in a fishing magazine at the time. They were advertised as the answer to weed problems for your bass pond when they get out of hand. Of course, they were not sterile. But if the Commission would allow sterile grass carp, they seemed like the best hope. After great discussion and consideration, the Commission allowed their use accompanied by continual monitoring.

> Billy Joe Wattenberg delivered the first batch of carp and stayed in our motel in late 1986. The truck he drove was packed with several thousand carp, and they came out sedated and mostly upside down at first. They then righted themselves over a period of several minutes and formed a slow-moving line. Three otters then arrived for some fun until the carp dispersed and swam off. It was quite a day! All that was left now was to see if sterile grass carp were the answer for the problem at hand.

> Several areas in Devils Lake were cleared of most of their weeds by the end of 1987. 1988 was greater yet, and we started attracting business at both the marina and the motel, seemingly purely because of the lake. In fact, over the years since their introduction, the carp have been responsible for many millions of increased tourism dollars and enhanced property values.

> Without a useable and attractive Devils Lake, property values will most certainly be diminished from where they could be. Perhaps most importantly, there appears to have been no down-side to the presence of the carp.

> My wife and I were obviously very lucky that we sold our property when we did. We had no idea that the lake would sour so quickly. Would we be able to sell it today? Or for as much? Devils Lake is a jewel on the Oregon Coast, and it renders Lincoln City unique among coastal Oregon towns. Please allow the residents of Lincoln City the ability to return it to its best.

>

1-22-23

ODFW Mailroom

JAN 25 2023

Received

RE: Devils Lake Permit & OAR Change

Dear ODFW Commission:

Devils Lake is an integral part of my neighborhood and now more than ever our beautiful lake needs our help. The Devils Lake Water Improvement District (DLWID) is pursuing a permit under OAR 635-056-0075(2) from the Oregon Department of Fish and Wildlife (ODFW) to re-introduce sterile grass carp into Devils Lake. In furtherance of this goal the District has submitted a permit application which also serves as its management plan setting forth the timelines, policies, and processes that will be used for the re-introduction and ongoing management of grass carp in Devils Lake. In order for our permit to be processed certain changes to the Oregon Administrative Rules (OAR's) will be presented by ODFW staff for your consideration in the February Commission meeting.

I would like to express my sincere appreciation toward the ODFW staff for working through these issues and identifying the OAR changes that are currently before you for consideration. I would also like to thank you in advance for the pending approval of the required rule changes. A positive response by the Commission will allow the Devils Lake Water Improvement District to begin stocking sterile grass carp this spring.

The stakes couldn't be higher as over the past year, the situation in Devils Lake has become dire with the explosive growth of elodea. In 2019, DLWID conducted a plant survey which was used to map plant biomass in the lake. At that time, elodea was discovered in a limited area immediately adjacent to Devils Lake State Park boat ramp. In August 2022, the Devils Lake Neighborhood Association performed an extensive survey of the lake indicating 48.6 percent of the lake by volume was occupied with elodea. Surface coverage of the weeds was 40.1 percent, with 100 percent of the bottom of the lake covered with elodea. Engineering estimates of the volume of material indicate as much as 116 million cubic feet of elodea present at the time of the survey.

Given the shallowness of the lake, elodea is greatly impacting all beneficial uses of Devils Lake, including the migration of native coho salmon into Rock Creek. Native freshwater clam beds have disappeared in some areas of the lake, impacting otters. Limited visibility is impacting the use of Devils Lake as a nesting and feeding ground for bald eagle, osprey, egrets, herons and migratory birds. Many areas of the lake have become unnavigable to boats and unsafe for swimming. Continuing to allow the explosive growth of elodea into Devils Lake may result in the introduction of this invasive species into other water bodies throughout the Pacific Northwest through direct transmittal on watercraft. Although the Devils Lake Water Improvement District is committed to implementing a multi-pronged approach to addressing elodea, the introduction of grass carp into Devils Lake is vital to a long-term solution to this problem.

To ensure that Devils Lake Water Improvement District has the tools necessary to ensure the lake can be enjoyed by Oregonians for generations to come, I request that the Commission vote in favor of the proposed changes to OAR 635-056-0075(1)(a).

Sincerely,

BS Wilberding

Devils Lake Resident

ODFW

JAN 26 2023

Director's Office