

Public Correspondence

Received as of September 12, 2023

Subject: Winchester Dam

EMERSON Steven C * ODFW

From: Lee Lashway <lee.lashway@gmail.com>
Sent: Thursday, August 3, 2023 10:32 PM
To: ODFW Commission * ODFW
Subject: North Umpqua River - Winchester Dam

You don't often get email from lee.lashway@gmail.com. [Learn why this is important](#)

I commend ODFW for taking the important action of closing the river to angling for the remainder of the summer season. The poor return of summer steelhead mandated that decision.

Nevertheless, I must express my extreme dissatisfaction with the unwillingness of ODFW and other agencies to hold the owners of the Winchester Dam to account for their long-standing disregard for the law and for those precious wild fish in their management of the dam and the fish ladder.

The incongruity of closing the river to angling to protect returning fish while at the same time allowing the dam owners to halt fish passage at a key time in the fish run is obvious to the most casual observer. As noted, I applaud the closure. However, I submit to you that the risk to the fish population from continued fishing in the current situation is far less than the risk being imposed on the fish by the ill-advised blockage of fish passage.

Reliance on the cheapest alternative for the owners to address some repairs to the dam is not in the public interest, and flies in the face of a greater need to protect passage for the precious few fish in the current run. The dam owners have a long standing history of flaunting state requirements with respect to dam maintenance and repair, and the unwillingness of ODFW to apply the rule of law to this situation is, at the least, disappointing.

I am entering my fourth decade of fishing and recreating on the North Umpqua, and have been a sorry witness to the continuing decline of the steelhead run on that river. The current situation at the dam is yet another nail in the coffin. It needs to go, as it serves absolutely no useful public purpose, and is a clear detriment to the salmon and steelhead fisheries. To have state agencies coddle the dam owners over the years to preserve their private and privileged play area is maddening. At the very least, the owners must be held to the highest of applicable standards and permitting requirements for their maintenance of the dam, given the sensitivity of the fisheries passing through.

This is a commission of very well qualified individuals. It is your duty to uphold the law, protect the migrating salmon and steelhead, and stop acquiescing to stop-gap, short-term "solutions" to dam issues that bring further harm to the fisheries. Please do so.

Lee Lashway
Eugene, Oregon

EMERSON Steven C * ODFW

From: Timothy Henton <thenton42@gmail.com>
Sent: Wednesday, September 6, 2023 2:37 PM
To: ODFW Commission * ODFW
Subject: Concerns Over Dam Repair on North Umpqua

You don't often get email from tenton42@gmail.com. [Learn why this is important](#)

To Whom It May Concern,

I am writing as a Native Oregonian who is deeply concerned about the handling of the dam repair that has occurred to the Winchester Dam on the North Umpqua.

I am asking that you investigate any damages done to native and troubled fish species as a result of the poorly conceived and executed repairs to the above mentioned dam. I am also asking that you hold responsible both Winchester Water Control District and Terra Firma Foundation Systems for any damages.

Reviewing the many well documented photos and videos online of this bungled attempt at repair, this feels and looks like something that you could have expected to have occurred in 1923 not in 2023. It is an embarrassment to my home state that this has been allowed to happen in this day and age. Especially when one considers that the trend nationally is REMOVING dams. That a repair would move forward and then be so poorly handled is honestly incredible.

Thanks for your time,
Timothy Henton
Longmont Co.

Oregon Resident from 1971-2023

EMERSON Steven C * ODFW

From: Stacey McLaughlin <stacey@mountaintopinsight.com>
Sent: Wednesday, September 6, 2023 8:16 AM
To: ODFW Commission * ODFW; DAVIS Matthew * DEQ; WIGAL Jennifer * DEQ; WALKER Vicki
Cc: info@tinafororegon.com
Subject: Update: Winchester Dam, Douglas County Oregon

You don't often get email from stacey@mountaintopinsight.com. [Learn why this is important](#)

WINCHESTER DAM, LEAKING WORSE THAN BEFORE REPAIRS

<https://www.facebook.com/watch?v=1066435177676349>

After spending \$3.0 million on its repair, Winchester Dam is leaking more NOW than when it was shut down 28 days ago to repair. Shouldn't that have been expected from Terraforma, a home foundation repair contractor with no dam repair experience?

The video in this post was taken at 8:00 am on September 4, 2023. The fish ladder is STILL out of service and the contractor is STILL picking up supersacks and rubber mats before the water spills over the top of the dam.

Originally, ODFW granted Winchester Water Control District a three-week permit from August 7-28 to have the Winchester Dam fish ladder out of service to repair the "high hazard" dam. Then, Winchester Water Control District requested from ODFW and was granted a three-day extension to their permit until August 31. Winchester Water Control District blew threw their extension and here we sit four days after the permit extension expired with the fish ladder still out of service and fish photographed jumping at the dam's spill gates trying to get upriver.

Out of one side of their mouth, ODFW told Winchester Water Control District THEY could shut down THEIR fish ladder for a month to repair Winchester Dam to preserve THEIR private water-ski lake. Yet, out of the other side of their mouth, ODFW orders EVERYONE ELSE to not fish the North Umpqua River until after December 1, 2023 because not enough fish had been counted at the Winchester Dam fish ladder before it was shut down. Does that make sense to ANYONE?

It probably makes sense if you are one of the 99 wealthy members of the Winchester Water Control District. A leaking dam and the loss of fishing rights for EVERYONE ELSE in the county is OK with them as long as their ability to water-ski on their exclusive, private lake is preserved.

From: Stacey McLaughlin <stacey@mountaintopinsight.com>
Date: Saturday, September 2, 2023 at 11:10 AM
To: <ODFW.Commission@odfw.oregon.gov>, <Matthew.DAVIS@deq.oregon.gov>, <Jennifer.WIGAL@deq.oregon.gov>, WALKER Vicki <Vicki.Walker@state.or.us>
Cc: <info@tinafororegon.com>
Subject: Winchester Dam, Douglas County Oregon

This is on your watch. The permit extension expired on August 31, 2023. It is September 2, 2023 –Terra Firma is still working. Salmon are still dying. Lamprey are still dying. REMOVE THE DAM!!!

August 30 at 1:57 AM ·

TERRAFIRMA REPEATS WINCHESTER DAM SPILL TWICE

WaterWatch of Oregon has documented TWO different concrete spills into the North Umpqua River by contractor TerraFirma Foundation Repair, Inc., that was hired by Winchester Water Control District for the on-going Winchester Dam repairs. TerraFirma is owned by Winchester Water Control District board president Ryan Beckley who lives in Portland.

Spill #1 of concrete into the North Umpqua River was observed by spectators at 6:00 am on August 21, 2023. Pictures and videos were taken. Concrete was being pumped from a cement truck into forms located at the downstream base of the dam. Though the lake had been drawn down below the level of the dam, water continued to leak through the dam into the forms where the concrete was being poured. TerraFirma operated pumps to remove the water leaking into the forms. The water was pumped through hoses into a jury-rigged retention pond (see pictures). I say jury-rigged, because the retention pond was constructed from left-over supersacks, sand bags and plastic sheeting. Water that was pumped into the jury-rigged retention pond continually leaked and overflowed directly back into the river.

When TerraFirma began pouring the concrete into the forms, they did not turn off the pumps that were removing water from inside the same forms where concrete was being poured. This resulted in concrete being pumped directly into the jury-rigged retention pond where it both leaked and overflowed into the North Umpqua River where plume was created.

How long Spill #1 was going on before spectators discovered the spill is unknown. It easily could have been going on for hours. No efforts were made by TerraFirma to discontinue or contain the spill continuing to flow from the jury-rigged retention pond after it was discovered. If not for the public observing Spill #1 from the highway 99 bridge, nobody would have known about it. Regulatory agency oversight was nowhere to be found. Probably because they knew the spill was going to happen.

Spill #2 was an EXACT REPEAT of Spill #1, except it occurred three days later at 5:00 am on August 24, 2023. Though Spill #1 had been reported with pictures to Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife and the Oregon Water Resource Department, zero corrective actions were taken to prevent a repeat of Spill#1.

It appears obvious from the early hour, TerraFirma knew they were going to be pumping liquid concrete into the North Umpqua River and hoped nobody would be up at that hour to witness it. The reason I say that is because Spill #2 was an exact repeat of Spill #1 three days later with no attempt to change their methods. It will be interesting how/if Oregon's regulatory agencies again turn a blind eye.

Winchester Water Control District has a history of concrete spills during dam repairs. In 2018, Winchester Water Control District contractor Basco Logging, Inc. spilled concrete in the river while repairing Winchester Dam, resulting in a documented and photographed fish kill. Similar to TerraFirma being owned by board president Ryan Beckley, Basco Logging Inc. is owned by Winchester Water Control District board director Juan Yraguen.

The Oregon Department of Fish and Wildlife reported the 2018 concrete spill to the Department of Environmental Quality, which fined (below link) Basco Logging \$58,378 for "violating state water quality standards and causing pollution, killing fish and other aquatic species." Despite deliberately ignoring directions provided by state and federal agencies on how to avoid the concrete spill, Basco Logging, Inc. appealed their fine to the Oregon Department of Environmental Quality (DEQ) who inexplicably lowered their fine to \$19,517. A mere slap on the hand. No wonder Winchester Water Control District spills concrete into the North Umpqua River with impunity.

https://waterwatch.org/.../Basco-Logging-Inc_WQ-NP-WR...

The regulatory agencies are clearly here to assist the wealthy in keeping their private water-ski lake.

August 31 at 6:19 PM ·

WINCHESTER DAM OWNERS WILL NEED TO RE-OPEN THEIR CHECKBOOKS

The 99 property owners/members of the Winchester Water Control will need to cough up more money to get what they were promised by their board of directors president Ryan Beckley. The promise was well publicized (below link). Beckley reportedly promised that the \$3.0 million in repairs to Winchester Dam paid to the company he owns, TerraFirma, would be the “permanent solution – a fix for 100 years to come.” But the money has dried up and now the remaining work has been CANCELLED when only half way done.

https://www.nrtoday.com/.../article_75d25aca-2fe6-11ee...

Beckley reportedly promised \$3.0 million would pay for two phases of the dam repair project. Phase 1 to repair the dam face is currently under construction. Phase 2 to repair Winchester Dam’s south abutment where there have been multiple whirlpools in the past was scheduled to start immediately after phase 1. This is all described in Winchester Water Control District’s application approved by the Army Corp of Engineers (below link). Specifically, it says:

<https://waterwatch.org/.../Joint-Permit-Application-DEQ...>

“After Phase 1 work is complete, water levels will be returned to pre-work levels. Phase 2 work will include repairs near the south power building/spillway gates. Water levels will not be lowered, rather, a permanent sheet pile cut-off wall will be used for temporary water management in an interim condition before the sheet piles are cut off... Work will occur from a 40- by 60-foot barge stationed next to the dam and secured with several spud piles. A vibratory hammer will be used to install spud piles to secure the barge during the work. A bubble curtain will be deployed during impact hammer activities. Sheet pile will then be installed parallel to the dam face to form a sheet pile cutoff wall approximately 18 feet wide and 120 feet long above the spill gates. The sheet pile will be installed with a vibratory hammer and seated with an impact hammer into bedrock. If required by site conditions, pumps equipped with a fish screen may be installed to pump water out of the isolation area (another jury-rigged retention pond) to a temporary water quality facility placed in an upland area on the south bank to allow filtered water to flow back into the North Umpqua River.”

The Oregon Water Resource Department confirmed yesterday that Winchester Water Control District CANCELLED their Phase 2 portion of the dam repair project. The \$3.0 million is already spent and Winchester Water Control District is out of time and not even close to finishing Phase 1 by midnight tonight. Beckley likely needs to ask Winchester Water Control District members for more money to complete Phase 2. That shouldn’t pose a problem for him after bragging how wealthy Winchester Water Control District member are.

Not only did Winchester Water Control District cancel Phase 2 of the dam repairs, other signs make it clear Beckley has over spent his \$3.0 million commitment. Winchester Water Control District was originally permitted to have the lake dewatered from August 7 – 28. After falling behind on their schedule, Winchester Water Control District then applied for and received a 3-day extension to August 31 with the express condition that the Winchester Dam fish ladder be operational by midnight August 31. Take a look at the picture on this post I took at 1:20 pm on August 31, 2023. Is it even possible with a hundred workers to have the fish ladder operational in less than eleven hours? Certainly not with the seven workers and one inspector pictured.

Skelton Crews, jury-rigged retention ponds, multiple concrete spills, visible OSHA violations, blown project schedule and now cancellation of Phase 2 of this project promised to last for 100-years are all signs of a person, company and Water Control District that should not be trusted with repairing the “high hazard” Winchester Dam properly.

REMOVE THE DAM it serves no purpose except to support residential property owner's recreational pursuits.

Stacey McLaughlin

EMERSON Steven C * ODFW

From: flyfishingposer <flyfishingposer@gmail.com>
Sent: Wednesday, September 6, 2023 9:34 PM
To: ODFW Commission * ODFW
Subject: North Umpqua Winchester Dam Atrocity

You don't often get email from flyfishingposer@gmail.com. [Learn why this is important](#)

To the Commission/the Board/Whomever is Concerned:

I am a very concerned Oregon resident horrified at what is currently occurring on the North Umpqua River at the Winchester Dam.

Ongoing dam 'repairs' during the hot month of August and now into September have stopped all migratory fish passage thus endangering critical populations of steelhead and salmon.

This is a travesty and an ecological disaster!

This is a private dam benefitting only private use residents for pleasure boating; in the meantime, current private repairs (which are inadequate and just a band-aid to a larger problem) are currently stranding and killing salmonids in the warm water below the dam since they cannot migrate upstream to the cooler water.

Please investigate this ecological emergency!

Sincerely,
Adrian Cortes
25685 South Beavercreek Rd
Beavercreek, OR 97004

Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone

EMERSON Steven C * ODFW

From: Adam Miller 1 <autoharper@earthlink.net>
Sent: Thursday, September 7, 2023 9:59 AM
To: ODFW Commission * ODFW
Subject: Winchester Dam: The Most Dangerous and Illegal Dam in Oregon
Attachments: The Most Dangerous and Illegal Dam in Oregon.docx; The Most Dangerous and Illegal Dam in Oregon.pdf

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Dear Commissioners,

We, the members of Community Right Douglas County, are concerned that you are not getting the whole story on Roseburg's Winchester Dam.

Attached, please find a press release explaining the situation at Winchester Dam – the most dangerous and illegal dam in Oregon.

Sincerely,

-Adam Miller
Community Right Douglas County
Drain, Oregon
(650) 804-2049
autoharper@earthlink.net

Community Rights of Douglas County
2259 Tenmile Valley Road, Tenmile, OR 97481

News Release

FOR IMMEDIATE RELEASE

September 5, 2023

CONTACT: Mike Ruehle

Media Liaison

(562) 355-8727

rekim8727@gmail.com

The Most Dangerous and Illegal Dam in Oregon Winchester Dam on Douglas County's Wild and Scenic North Umpqua River

The seaside community of Gold Beach, Oregon, 30 miles north of the California border, is a fisherman's paradise and the fishing season is open all year.

At 4:30 a.m. on a weekend morning in August or September, cars are backed up for a mile at the port of Gold Beach, where hundreds of anglers come to fish on the Wild and Scenic Rogue River. In the past three years, four dams were removed in the Rogue Basin – three on the Rogue's main stem, and another on Elk Creek, a key coho salmon tributary. Consequently, the Rogue River now offers some of the best salmon fishing in the nation.

But things are very different 100 miles away on the North Umpqua River in Douglas County, Oregon.

On July 31, 2023, the Oregon Department of Fish and Wildlife (ODFW) closed all fishing on the North Umpqua until December 2023 – the second 120-day fishing ban in the last three years.¹

ODFW requires a prediction or estimate of a season total of 1,200 wild summer steelhead.² In 2021, when only 450 were counted, the river was closed to fishing.³ There are so few fish in the North Umpqua this year, Greg Huchko, ODFW's Umpqua District Senior Biologist, won't even reveal the fish count total.

"Really low," is all he'll say.

And it's all because of the Winchester Dam, the most dangerous and illegal dam in the entire state of Oregon.

The bowed and crumbling 450-foot-wide wood and steel dam is five miles north of Roseburg, Oregon, just 500 feet from Interstate Highway 5, and plainly visible to every passing motorist.

The 133-year-old derelict dam is privately owned by the Winchester Water Control District whose 99 members are of some of the wealthiest landowners in (and out of) Douglas County. They use the reservoir behind the dam on the North Umpqua River as their private mile-and-a-half long water ski lake, at the exclusion of the public, and they spend as little money as possible on dam maintenance and repair.

* * *

The Winchester Water Control District has committed a laundry-list of crimes and misdemeanors including:

- Illegal water storage
- Pollution of the North Umpqua River
- Privatization of public lands and waterways
- The killing tens of thousands of threatened and sensitive aquatic species
- Repeated failure to comply with state and federal laws and regulations.
- The use of poisonous and carcinogenic building materials within 50 feet of the intake to the public drinking water source for 37,700 residents.

If it wasn't situated in Good-Old-Boy-friendly Douglas County, and owned by the county's wealthiest citizens, the Winchester Dam would have been removed when the Oregon Water Resources Department (OWRD) condemned it back in 1976.

OWRD gave Winchester Dam the highest danger rating, "high hazard," meaning: "the department expects loss of human life to occur if the dam fails."⁴

OWRD requires "high hazard" dams to be inspected annually.⁵ OWRD told Winchester Water Control District (WWCD) that "consideration must be given to a permanent dam, the existing wooden dam being considered as temporary in nature ... either reconstruction or removal

of the dam would be necessary.” WWCD was instructed to “inspect the dam on a semiannual basis, once a year with the water drawn down.”

That was half a century ago.

In an ongoing pattern of chronic non-compliance and disregard for public safety, WWCD president Ryan Beckley and its board of directors skirted OWRD’s requirement by hiring contractors to visually examine the dam without even lowering the water spilling over its top, even though (as Beckley is well aware) it’s impossible to inspect a dam until the water level is lowered to expose its leaking structure.

But despite these legal requirements, the condemned Winchester Dam was only drained (and its leaking structure inspected) by the OWRD three times in 47 years – in 1976, 1987, and 2013. Each inspector reported serious deficiencies and reiterated the need for annual inspections.⁶ But the dam hasn’t had a comprehensive structural inspection since 1987, when it was determined that 10% of the dam wall was leaking.⁷

After the 2013 inspection, OWRD found the dam’s up slope, crest and downslope were all described as “urgent dam safety issues – action now.”⁸ It went on to say that “The dam’s condition rating has been downgraded to poor and may be downgraded further to unsatisfactory if the dam safety issues are not addressed in the very near future.”⁹

And yet, a decade later, neither Phil Ward, Director of the Oregon Water Resources Department nor WWCD has taken any action to protect the downstream residents and the general public.

* * *

In August 2023, WWCD president Ryan Beckley told a reporter from the *Roseburg News-Review* that he personally designed the current dam repair project as a “permanent solution — a fix for 100 years to come.”¹⁰

“There’s never been a salvage effort anywhere comparable to that whatsoever,” Beckley declared. “I’m not trying to paint a picture that we were callous about it or we disregarded it, but we’re spending almost a quarter of a million dollars on fish salvage.”¹¹

But hundreds of photographs of thousands of dead fish at the Winchester Dam tell a different story.

Beckley’s recent repairs so imperiled the native fish on the downstream side of the Winchester Dam, on August 9, 2023, about 50-60 representatives of state agencies rushed to the

dam to rescue stranded and dying fish. These state agency employees are paid with federal and state funds.

In 2021, a majority of Winchester Water Control District's (WWCD) members voted to approve a \$3 million bond levy (perhaps ghost-authored by Beckley) to "finance the repair of Winchester Dam" and to "pay fines, penalties, judgements, legal fees and other costs related to the Winchester Dam" and to "refinance existing indebtedness."

The bond was passed in their own private district.¹² So, whether they voted for it or not, all 99 members of the WWCD are footing the bill for Beckley's negligence and mismanagement of the Winchester Dam.

* * *

Ryan Beckley's track record speaks for itself.

"[WWCD]has been trying to run this dam cheap for years and years..." wrote Jim McCarthy of WaterWatch of Oregon, a nonprofit organization that protects and restores Oregon rivers. "These people can't be trusted to own a dam."¹³

According to McCarthy, Ryan Beckley has "never repaired a dam before in his life."¹⁴

If Beckley really did design the dam repair project, as he claims. this may be a violation of state statutes regarding the practice of engineering intended to protect public safety.

Jim McCarthy explained:

According to his candidate form filed with the county when he ran for the Winchester Water Control District Board, Mr. Beckley does not have an engineering degree. According to the form, he left high school at the 11th grade and did not receive a diploma.¹⁵

The dam repair plan was, in fact, designed by engineers at Dickinson, Oswald, Walch, and Lee (DOWL).¹⁶ They told regulators repairs would be much more limited than what Beckley claims. In an April 4, 2023, DOWL technical memo to state dam safety officials the repairs would be "to the minimum extent necessary to eliminate known and reasonably anticipated dam safety deficiencies at the dam."¹⁷

In a consistent pattern of avoidance of accountability, spending as little as possible, and maximizing profits, WWCD president Ryan Beckley awarded the contract for repairs of the Winchester Dam to TerraFirma Foundation Systems – a company Beckley himself owns.

Like the proverbial fox guarding the hen house, some would consider it a conflict of interest for WWCD president Beckley to invoice the members of the WWCD for dam repair services his own company does (or does not) provide at the Winchester Dam.

But Ryan Beckley's non-compliance is not limited to his management of the Winchester Dam. He manages TerraFirma with the same apparent recklessness and disregard for safety. In the past two years alone, TerraFirma's trucking division, headquartered in Roseburg, Oregon, has racked up forty-two trucking violations, including nine unsafe driver violations – all reported by the state of Washington. Three were driver fitness violations, seven were maintenance violations, and other violations included speeding, uninsured driver, and open container.¹⁸

- In 2016, the Oregon Construction Contractors Board was forced to take disciplinary actions against TerraFirma for working without a permit.¹⁹
- In 2018, the federal Occupational Safety and Health Administration (OSHA) fined TerraFirma \$6,000 for the carbon monoxide poisoning of one Beckley's employees.²⁰
- In 2018, TerraFirma was cited and fined \$9,620 by the Federal Motor Carrier Safety Administration for a motor vehicle safety violation.²¹
- In 2019, OSHA fined Terra Firm \$420 for safety violations deemed "serious" during a routine inspection of their Tigard, Oregon, office.²²

The precarious instability of the Winchester Dam presents an ever-present danger to the health and safety of the downstream residents.

According to WaterWatch of Oregon "there are many holes through the dam's face and under its foundation" including "eroded concrete" and "exposed rebar."²³ During previous repairs to the Winchester Dam, WWCD contractors installed hundreds of toxic pressure-treated 2 x 12" boards²⁴ 50-feet upstream of the drinking water supply for 37,700 residents – the use of which is prohibited in contact with public drinking water.²⁵ They also installed creosote-treated wooden railroad ties, a "probable human carcinogen"²⁶ prohibited "for use in contact with food, feed, or drinking water."²⁷ The pressure-treated wooden planks installed during the 2013

repairs to the Winchester Dam immediately began leaking toxins into the downstream drinking water supply.²⁸

Due to the likelihood of life-threatening disaster if the dam failed, the Oregon Water Resources Department (OWRD) ordered WWCD to update their Emergency Action Plan (EAP). Oregon statute OAR 690-020-0400(4) requires EAPs to be updated annually.

In what can only be described as wanton disregard for public safety, WWCD hadn't updated their EAP since 1987. This meant that, in the event of an emergency, all the contact people listed in their EAP were retired or dead, and all the phone numbers had been changed or disconnected.

In November 2021, under pressure from the OWRD and more than a dozen local organizations – after 34 years of stonewalling, WWCD finally updated their EAP.²⁹

But unlike other dams in Oregon, there are no safety rope buoys or signs warning boaters and swimmers upstream to stay away from the imminent danger presented by the Winchester Dam.

Last year, two women were paddleboarding upstream of the dam. Due to the higher-than-normal water levels, they found themselves clinging to the rim of the dam with their bare hands until they no longer had the strength to fight the current and were swept over the dam's precipice. Both women were injured in the subsequent 16-foot fall, and one was hospitalized.³⁰

* * *

In 1994 the Oregon Water Resources Department (OWRD) determined that Winchester Water Control District (WWCD) was illegally storing 91-acre-feet of river water in excess of their 1910 allotted water rights of 300-acre feet.³¹

Yet in the ensuing three decades, OWRD and WWCD took no action to mitigate this criminal offense.

In November 2022, a coalition of 17 organizations, including WaterWatch of Oregon, Pacific Coast Federation of Fisherman's Associations, Institute for Fisheries Resources, and Steamboaters formally requested OWRD conduct a bathymetric survey to confirm WWCD's illegal water storage.³²

Instead of enforcing the laws as is their mandated purpose, in April 2023, OWRD agreed to amend WWCD's 1910 water storage rights from 300-acre feet to 391-acre feet, thereby accommodating the extra 91-acre-feet of water WWCD had illegally stored for decades.

This sets a terrible precedent.

Furthermore, it increases the volume of water – and by extension, the enormous pressure – behind the bent, bowed and long-ago condemned dam face which, according to OWRD, can only be “considered as temporary in nature.”

Most disturbingly, the WWCD has hired three different independent engineers – the best science money can buy – to conduct flood studies unanimous in their findings that downstream residents will not be impacted if the dam fails. These dubious claims were made, despite OWRD's condemnation of Winchester Dam half a century ago and their rating it a “high hazard” – meaning “the department expects loss of human life if the dam fails.”³³ One wonders if (and when) these engineers will be subpoenaed to appear as experts in a wrongful death lawsuit against the WWCD and the state agencies that failed to remove the condemned Winchester Dam, as was deemed prudent, appropriate, and wise, nearly half a century ago.

Their evident disregard for human life and public safety is a cause for concern.

Nevertheless, despite these many red flags, the OWRD continues to turn a blind eye to Ryan Beckley and WWCD's countless transgressions and permit violations, going so far as to literally change state regulations to accommodate Beckley's ongoing disregard for public safety, fisheries best management practices, and rule of law.

There must be a logical explanation for Mr. Beckley's exceptionalism.

* * *

In many American towns and cities, including like Roseburg, Oregon, certain well-connected, privileged, monied, white property owners like Ryan Beckley, are seemingly exempt from state laws that apply to everyone else.

For some unknown reason, the state agencies are either unable or unwilling enforce state laws at Douglas County's Winchester Dam – laws they regularly enforce at other dams and on other rivers. It is as if some high-level state or federal government bureaucrat is intervening on behalf of Beckley and WWCD, forcing the agencies to ignore matters pertaining to their private water ski lake on the North Umpqua River.

Beckley, who apparently has never encountered a permitting process he couldn't evade, doesn't even live in Douglas County. According to his company's website, his home is in West Linn, Oregon, 165 miles away.³⁴ His family has been in Oregon for six generations and has worked in the building trades for more than a century.

When Beckley recently sold off his residential property overlooking the Winchester Dam, he suddenly found himself without a local address. He apparently persuaded his girlfriend, who owns property in the WWCD, to add his name to her property title, so he could continue to serve as president of the WWCD board of directors.

The derelict and disintegrating Winchester Dam hasn't produced hydroelectricity for more than half a century. It offers no flood control or irrigation. Its sole purpose is to provide a private water ski lake for the exclusive "recreational" use of the 99 wealthy property owners in the WWCD, at the exclusion of the public.³⁵

Because it provides no public purpose, the Winchester Water Control District (WWCD) itself is, in fact, an illegal organization according to Oregon law. Oregon Revised Statute 553.020 specifically requires all water control districts in the State of Oregon to provide a public purpose such as hydroelectricity, irrigation, or flood control.

The same statute makes it perfectly clear that "recreation" is not a public purpose.

Despite WWCD's clear and ongoing violation of this law, OWRD allowed the WWCD to exist and refuses to enforce ORS 553.020 in this instance.³⁶

Meanwhile, Douglas County real estate brokers continue to advertise multi-million-dollar WWCD properties as having their own private water ski lake.

And this is made possible through courtesy of the taxpayer funded regulatory agencies of the State of Oregon.

* * *

In 1978, WWCD wrote a letter to the Douglas County commissioners asking for the taxpayers to take over financing and maintenance of the condemned Winchester Dam and their private water ski lake. After reading the Oregon Water Resources Department's 1976 report condemning the dam, the Douglas County head of public works "declined" WWCD's offer – ownership of the dam was considered too great a liability.³⁷

Six years later, WWCD's illegal privatization of public land and river was compounded by the Oregon Department of Fish and Wildlife (ODFW) 1984 enactment of an unprecedented

and novel regulation OAR 635-008-127, which is found nowhere else in Oregon and is only applicable to a solitary public boat ramp at the Winchester Dam. The regulation makes it “unlawful to launch or retrieve power boats from North Umpqua River Ramp area, located approximately one mile upstream from the Winchester Dam and on the south side of the river.”³⁸

Ironically, in the 1970s, ownership of this particular boat ramp site was transferred to the state by L&H Lumber for the express purpose of allowing anglers access to the river upstream.

But ODFW went out of their way to create this law – a law that only benefits the 99 wealthy WWCD members – the only law of its kind in Oregon.

Now the area is posted with signs prohibiting the public from using this boat ramp and police enforce the law if one trespasses.

* * *

Ryan Beckley and his WWCD predecessors have repeatedly skirted the permitting process for dam repair by deliberately taking no action for years until the problem burgeoned into “an emergency.”

Inexplicably (and conveniently) emergency repairs do not require permits.

Haphazard and careless repairs were made by contractors with no qualifications or previous experience in dam repair. It is now documented that WWCD failed to disclose to regulators that during previous emergency repairs WWCD knowingly released sediment stored behind the dam into endangered salmon habitat and into public drinking water supplies.³⁹

So much for the millions of dollars taxpayers have spent on aquatic habitat restoration projects.

WWCD’s ongoing pattern of willful and deliberate non-compliance of state and federal laws, and ongoing mismanagement of the Winchester Dam, has served to galvanize a bipartisan coalition of neighbors, fishermen, conservationists, and whitewater groups, who now call for the permanent removal of the dam.

* * *

In 2019, ODFW ranked Winchester Dam and its fish ladder the 26th worst out of 590 migratory fish passage barriers in Oregon in accordance with a state law (ORS 509.585(3)).⁴⁰

This statute requires ODFW to update the ranking of barriers to migratory fish passage in Oregon’s streams and rivers every five years. Winchester Dam and its fish ladder will move up

into the top 10 barriers to migratory fish passage when the new list is released in 2024 – a dubious distinction indeed.⁴¹

The Winchester Dam’s wooden lip and its height of 16-feet effectively prevent fish from jumping over. Consequently, Winchester Dam is now the Oregon Department of Fish and Wildlife’s (ODFW) second highest priority for fish passage improvement among all privately owned dams in the state.⁴²

But in direct contradiction of ODFW’s Fish Passage Task Force findings, their Senior Biologist Greg Huchko – ODFW’s top official in the Umpqua District – is repeatedly quoted by local media stating that in his professional opinion, the dam is merely “delaying fish migration.” Consequently, Huchko’s professional opinions are repeatedly quoted by WWCD in their permit applications to repair the Winchester Dam.⁴³

It’s difficult to believe that a qualified senior biologist like Huchko would make such an uninformed, ingenuous, and inaccurate statement. He appears to have conveniently forgotten that his employer, the Oregon Department of Fish and Wildlife (ODFW), has repeatedly stated that Winchester Dam impedes access to 160 miles of high-quality cold-water habitat for salmon, trout, and lampreys upstream.⁴⁴

- Coho salmon are listed as threatened under the Endangered Species Act, and lamprey are listed as a “sensitive species” by the State of Oregon.⁴⁵
- Coho populations at the Winchester Dam have plummeted from nearly 20,000 in 2001 to fewer than 1,900 in 2022.⁴⁶
- Lamprey populations at the Winchester Dam have diminished from almost 30,000 in 1968 to a fewer than 1,000 in 2021.⁴⁷
- Summer steelhead are also listed as a sensitive species and their populations at the Winchester Dam have dropped from more than 20,000 in 1987 to just 630 in 2021.⁴⁸

These fish are historical food sources for the Cow Creek Band of the Umpqua Tribe.

Ironically, in 2018, the same state agencies that continue to allow Ryan Beckley to repair the Winchester Dam without proper permits were forced to slap WWCD’s previous contractor, Basco Logging, Inc., – owned by yet another WWCD board member Juan Yraguen – with a

\$58,378 fine for pouring pollutants and cement into the river that entered the public drinking water system and killed a lot of lampreys, steelhead, and salmon.⁴⁹

On January 27, 2020, the Oregon Department of Environmental Quality (DEQ) informed Yraguen:

DEQ issued this penalty, because the North Umpqua River is important habitat for threatened Oregon Coast coho salmon and several other sensitive species, and your activities resulted in the discharge of sediment and wet (or "green") concrete to the river, degrading aquatic habitat and killing numerous fish. These incidents also negatively affected the quality of the primary drinking water source for two community water systems - City of Roseburg and Umpqua Basin Water Association, serving approximately 37,700 people (28,800 and 8,900, respectively).⁵⁰

Yraguen appealed the fine and inexplicably, DEQ lowered it from \$58,378 to \$19,517, setting another terrible precedent. Decisions of this kind only serve to encourage and embolden bad actors like Juan Yraguen and Ryan Beckley – both of whom are WWCD board members.⁵¹

To add insult to injury, in violation of his permit, Beckley constructed a roadbed for his heavy equipment, made out of used automobile tires, right through the riverbed.⁵² Tires contain a chemical called 6PPD, an antioxidant and antiozonant that helps prevent the degradation rubber compound which is instantaneously lethal to Coho [salmon].⁵³

Community Rights of Douglas County has made numerous attempts to contact OWRD's Douglas County Watermaster, Susan Douthit, but she has not responded to our many phone messages and emails.

* * *

On August 7, 2023, Ryan Beckley drained the private water ski lake behind the Winchester Dam to begin three weeks of repairs as originally ordered by the Oregon Department of Fish and Wildlife back in 2019.

Beckley's permit specified that the water level would be lowered at a rate of no more than two inches per hour to minimize disturbance to the aquatic habitat. But witnesses report that Beckley actually drained the lake at midnight (thinking no one would monitor his misdeeds) and did so at two feet per hour, exponentially faster than permitted, devastating downstream fish

habitat, impeding fish migration, and making the dam an even more insurmountable barrier for fish.

When the private water ski lake behind the dam was drained in 2013, the Cow Creek Band of the Umpqua Tribe conservatively estimated that for every live lamprey salvaged, there were approximately 10 dead in the same one square foot area. The August 2023 Winchester Dam repairs called for the nearly 7,500-foot-long water ski lake to remain “dewatered” for three weeks.

Earlier this year, on February 27, 2023, the Northwest Sportfishing Industry Association petitioned Curt Melcher, Director of the Oregon Department of Fish and Wildlife to reconsider his agency’s approval of Beckley’s August 2023 repair plan for the Winchester Dam – specifically citing the irreversible damage to the fishery caused by “dewatering for three weeks” (draining the lake).

Apparently, Mr. Melcher ignored their petition.

Nevertheless, Beckley so ineptly managed the repairs at Winchester Dam, he couldn’t complete the contracted work in the allotted three-weeks and applied for a three-day extension until August 31, 2023, which Melcher obligingly approved, guaranteeing further damage to the fishery his agency is charged with protecting.

* * *

The highly toxic pressure-treated⁵⁴ and the creosote-treated wood used in previous repairs to Winchester Dam was exposed during the August 2023 repairs – but was ***not*** removed.

Taxpayers picked up the tab for a specially designed \$50,000 lamprey fish ramp installed at the Winchester Dam in 2013. During the August 2023 dam repairs, along with the fish ladder, this ramp was shut down so fish passage was blocked for over four weeks when the private water ski lake above the dam was drained.

Curiously, when the dams were removed on the Rogue River in neighboring Curry County a few years ago, the same Curt Melcher, Director of the Oregon Department of Fish and Wildlife refused to allow the fish ladders to be shut down or fish passage blocked for *even one minute*.

Perhaps Melcher can explain what’s so different about the fish in Douglas County?

Ryan Beckley chose the apex of a severe wildfire season in the hottest summer on record, to drain WWCD’s private water ski lake. Beckley’s permit required WWCD to implement a

comprehensive strategy to salvage fish stranded or isolated fish both upstream, and downstream of the dewatered dam.

But according to Jeffrey Dose, a retired fish biologist with 31 years of experience in the Umpqua River Basin, and the author of *Salmon 2021: The Future of Wild Pacific Salmon in the Pacific Northwest*, this did not occur. “Tens of thousands of juvenile Pacific lamprey were also dewatered,” said Dose, “and suffered extensive mortality. The WWCD ... failed miserably.” He called Ryan Beckley’s and WWCD’s conduct “reprehensible and predictable.”⁵⁵

On August 9, 2023, 48 hours after the draining of the private water ski lake, dozens of state, federal, and tribal entities attempted to rescue juvenile Pacific lamprey that were trapped behind the drained dam wall – even though Beckley’s permit specifically stated that this was WWCD’s responsibility. The efforts of these state and federal officials at the Winchester Dam (paid for by taxpayers) were largely unsuccessful due to Beckley on-the-cheap and inept dam repair plan, and his callous disregard for native fish.

The 109° temperature of August 14, 2023, sealed the fate of any remaining trapped fish.

Ryan Beckley had the audacity to misinform the *Roseburg News-Review* that he had “hired 17 marine biologists who were there the first four days, accompanied by 60-70 volunteers.”

Beckley’s claim is patently false.

Apparently, he is unaware that marine biologists’ expertise is in *oceanic* environments. The biologists to whom Beckley refers were among the volunteers who showed up on August 9, 2023, (also paid for by the taxpayers) to attempt save the fish from certain death imposed upon them by Beckley’s failure to observe “fishery best management practices.”

Jim McCarthy of WaterWatch of Oregon wrote:

This is like an arsonist lighting the forest on fire, then taking credit for the firefighters who show up after others rush to raise the alarm. River advocates observing the repairs on August 7, 2023, immediately raised concerns with the Oregon Department of Fish and Wildlife (ODFW) regarding the woefully inadequate salvage effort of the [WWCD] District, and soon after notified federal wildlife officials of the mass death of lamprey.⁵⁶

“At the least, the WWCD should reimburse all the costs,” wrote Jeffrey Dose, “including salaries, transportation, equipment, per diem, and any other expenses that were ... incurred by civil servants and employees of agencies [who came to rescue stranded fish at Winchester Dam on August 9, 2023] that are taxpayer expenses. We, citizens and taxpayers, should accept nothing less.”⁵⁷

* * *

Throughout the repair process, Ryan Beckley has made modifications to the dam repair plan that were not approved in his permit.⁵⁸

Curiously, the ODFW inspectors, who are supposed to be enforcing the permit as written – like they do on all the other rivers and at other dams in Oregon, are simply rubber-stamping their approval to each noncompliant phase of Beckley’s construction – things that should have been included in the ODFW’s permit approval but were not.

This is precisely the opposite of the self-described mandate posted on ODFW’s website: “Protecting and enhancing Oregon’s fish and wildlife, and the habitats they use, for the use and enjoyment of present and future generations is at the heart of what we do.”

This is sheer hypocrisy.

And yet, it is as if Ryan Beckley – Svengali-like – is directing Curt Melcher, Director of the Oregon Department of Fish and Wildlife’s each and every move in matters pertaining to the North Umpqua River and the Winchester Dam – and not the other way round.

Retired biologist Jeffrey Dose wrote:

In my view, the biggest failures were by the various state and federal agencies in, essentially, rubberstamping the well described adverse impacts to the North Umpqua River, its ecosystem, it’s cultural history, and it’s native aquatic resources like salmon, steelhead, and Pacific lamprey have been compromised due to the agency’s failure to meet their responsibilities.⁵⁹

“I am extremely disappointed in the current situation at Winchester Dam,” said Kirk Blaine, president of Steamboaters and Southern Oregon and southern Oregon coordinator for the Native Fish Society. “ODFW knew this would happen and they said yes for the convenience of the landowners who want to maintain their private water ski lake at the lowest cost possible.”⁶⁰

* * *

Douglas County, Oregon, is ostensibly owned by the timber industry.

- More than 50% of Douglas County, Oregon, residents are “income constrained.”⁶¹
- Thirteen percent of the population lives below the poverty rate,⁶²
- More than 25% rely on public food aid,⁶³
- One out of five kids in south county are homeless.

The multimillion-dollar McMansions that overlook the Winchester Dam in the WWCD are the most expensive residential properties in all of Douglas County:

- One-hundred-and-sixty-two parcels are owned by 99 wealthy individuals.
- Each year, as many as 10% of these 162 parcels are bought and sold.
- Nearly twenty percent of the WWCD property owners live outside Douglas County.
- Sixty-two of the parcels are lakefront properties with green lawns stretching down to the banks of the private water ski lake. One third of them are summer homes.

In early August 2023, WWCD president Ryan Beckley told Jefferson Public Radio:

[M]y family has had a home here for three generations with this reservoir behind it. If it was harming fish, the people that live behind it would be the first ones to pony up... I absolutely know, that if I had any inclination or indication that it was doing damage, that the people that live here have the means and the resources to correct that and that we would.⁶⁴

Beckley ingenuously claims that the Winchester Dam serves as a barrier that keeps out invasive species.

This is patently false – one of an ever-growing number of make-believe reasons to keep the WWCD’s private water ski lake from being removed.

According to aquatic biologists familiar with the North Umpqua, the cold water upstream of the dam is a natural barrier to invasive plants and fish. If the dam were removed, the river

itself would naturally repel invasive species, as it did for tens of thousands of years before the dam was built.

* * *

In 1976 the Oregon Water Resources Department's condemned Winchester Dam. They required a concrete dam be erected in its place. But the cost of a new concrete dam would be about \$50 million – more money than anyone wants to pay to replace the Winchester Dam.

Instead, WWCD president Ryan Beckley pursues the least expensive modifications – literally injecting toxic chemical-intensive polyurethane foam into the cracks in the dam's foundation. The foam is a known source of microplastics and a powerful irritant to the mucous membranes of the eyes, gastrointestinal tract, and respiratory system of children and adults.

But during the August 2023 repairs at the Winchester Dam, Ryan Beckley violated his permit by spilling many yards of wet concrete into the river, 50 feet from the drinking water intake for 37,700 neighbors – not once but twice.

What can possibly explain Oregon State agencies failure to intervene on behalf of the public health and safety of the downstream residents?

It appears the agencies charged with water quality, public safety, and fisheries best management practices, are literally doing everything they can to imperil the 37,700 downstream residents. These neighbors are likely unaware that the Winchester Dam has been condemned for half a century, it provides no public benefit, it's a documented source of toxins and carcinogens, and must be removed for the safety and welfare of the community.

Apparently, the people heading these agencies have decided they don't have to enforce any of these laws until citizens sue them, prevail in court, and a judge forces them to do their jobs.

The agencies that are charged with protecting the fish and their habitat conspire to keep an obsolete, condemned, and derelict dam in place – a dam that actually kills threatened and endangered fish, just so 99 rich people can have their own private water ski lake.

* * *

Much to the amusement of those familiar with Beckley's established pattern of non-compliance and permit-evasion skullduggery, in 2007 Equipmentworld.com announced that Beckley was a "Contractor of the year finalist." (Perhaps this was satire.) But if it's true, this

singular distinction wasn't reported by any other website or newspaper. It is worth noting that, in 2018, the following comment was posted below the aforementioned "article:"

How can you be contractor of the year when you let employees work without a permit? Ryan Beckley how is it possible? [C]an you explain to everyone [the] permitting process that takes place when this happens? What can you share about mak[ing] a client disappear after received code violations about poor Workmanship on repair job that your company did? Is this a magic trick [?] are you a magician or to ashamed to take responsibility for something that is public record for all to view the truth?⁶⁵

* * *

Beckley's August 2023 plan to drain the private ski lake at Winchester Dam didn't include the recovery of any stranded fish.

Likewise, it ignored repair of the fish ladder which fails to meet federal requirements.

As ODFW has noted on numerous occasions, erosion has undercut the foundation of the fish ladder's walls and the ladder itself is so old and out-of-date, it's worn down to the rusting rebar.

In August 2023, Beckley told a reporter from the News-Review:

If WaterWatch came to me and said, 'We'll give you a grant to upgrade this fish ladder to the current federal standard, and we won't try to take your dam out if you do it,' I still would fight with them every bit as much as I fight with them right now because I think it would ruin the fishery. It would then allow bass, bluegill, sunfish, every other kind of invasive species that's in this river to migrate their way right up this river and they would destroy this habitat.

According to Jim McCarthy of WaterWatch, this is utterly false:

"Mr. Beckley suggests on the one hand that the fish ladder is a complete barrier to non-native fish, but also that ODFW (Oregon Department of Fish and Wildlife) knows that native fish 'migrate through with ease.' Mr. Beckley needs to decide whether the dam is a barrier to fish or not. It can't be both. In reality, the North Umpqua's steepness and cold

temperatures are the best defense against non-native fish. Winchester Dam defeats the river's best natural defenses by creating a warm slack water pool, ideal habitat for non-native fish and plants.”

* * *

In the face of WWCD’s abysmal track record, their continuous disregard of best fisheries management practices, and the preponderance of evidence of their ongoing mismanagement of the Winchester Dam, the Oregon Department of Environmental Quality, the Army Core of Engineers, and the National Marine Fisheries inexplicably approved Beckley’s permit for August 2023 repairs to the Winchester Dam.⁶⁶

Why was the permit approved when it’s well documented that WWCD’s previous low-budget repairs have repeatedly failed?

Biologist Jeffrey Dose explained:

Those same agencies, charged with the protection and conservation of our natural resources, were thoroughly warned by the conservation community. This included testimony before the Oregon Fish and Wildlife Commission, letters to and discourse with Oregon Department of Environmental Quality, Oregon Department of Water Resources, and a comprehensive assessment of fish passage issues to National Oceanic and Atmospheric Administration Fisheries Service that were never acknowledged or used in the critical Endangered Species Act Biological Opinion.⁶⁷

Apparently, the ongoing efforts of corporate interests to exercise their political influence has succeeded. They have “persuaded” our elected representatives to appoint agency directors more concerned with satisfying the wishes of the 99 wealthy WWCD property owners and their Good-Old-Boy buddies, than protecting our rivers, fisheries, water quality, and public health.

The Oregon Department of Environmental Quality, the Army Core of Engineers, and the National Marine Fisheries, as well the Oregon Department of Fish and Wildlife and the Oregon Water Resource District, have decided that a private water-ski lake for 99 rich people is more important than the survival of endangered migratory fish, the drinking water quality for 37,700 citizens, and the safety of downstream residents.

* * *

On April 1, 2020, a letter was sent to the Winchester Water Control Board (WWCD), offering to permanently remove the Winchester Dam “at little or no direct cost to the District [WWCD]” and to “end ongoing harm to fisheries and water quality in the North Umpqua River.”

The letter was signed by the leaders of Steamboaters, North Umpqua Foundation, Umpqua Watersheds, Inc., Umpqua Valley Fly Fishers, Northwest Sportfishing Industry Association, Northwest Guides and Anglers Association, Pacific Coast Federation of Fisherman’s Associations, Oregon Wild, Port Orford Sustainable Seafood, Rogue Flyfishers, Pacific Rivers, Native Fish Society, Cascadia Wildlands, American Whitewater, and McKenzie Flyfishers.⁶⁸

It's a standing offer that WWCD refuses to acknowledge.

In a graphic example of the pathology of wealth and power, 99 rich property owners in WWCD collectively decided to spend \$3 million to repair Winchester Dam in August 2023 to retain control of their private water ski lake, rather than allow river advocate groups remove the dam at no cost to the WWCD.

Ironically, if the dam was removed and the river returned to its normal, lower water level, lakefront property owners in the WWCD would gain additional acreage. Some properties would more than double in size and increase in value.

For reasons previously stated, consensus to remove the Winchester Dam is widespread in the local community. Since the reservoir was drained on August 7, 2023, hundreds of citizens have visited the condemned dam site and examined the damage and deterioration for themselves.

* * *

The large concrete, southern abutment of the Winchester Dam is the location of the old powerhouse from the bygone days when the dam was hydroelectric. Most people don’t know that they never excavated all the way down to the bedrock beneath the southern abutment and so the concrete was poured on top of sediment and mud.

Consequently, for decades, the forceful river current has been excavating beneath the concrete, creating huge holes beneath the dam that have been leaking for decades.⁶⁹ Fearing for their own safety, scuba divers hired to inspect the damage refused to go anywhere near the leak for fear they’d be sucked into the hole.⁷⁰

These holes beneath the dam’s foundation created a whirlpool in the private water ski lake behind the dam. So, WWCD haphazardly dropped sandbags onto the suspected upstream leak in an attempt to plug the hole.

When this didn't stop the leak, WWCD (and the agencies that approve its permits) were conveniently forced into yet another "emergency" situation. Despite the obvious conflict of interests, in 2018, Basco Logging, Inc. owned by WWCD board member Juan Yraguen, was hired to drain the lake and repair the leak.

Predictably, Yraguen, a contractor with no dam repair qualifications, botched the job and polluted the North Umpqua resulting in a fish kill recorded by the Oregon Department of Fish and Wildlife.

In an October 19, 2019, letter to the Oregon Department of Environmental Quality Yraguen claimed that "the repair of the hydraulic leak under the gate/south powerhouse structure has been permanently resolved."

But this statement was false.

According to state dam safety officials, "...we observed a whirlpool near the old powerhouse. The location of the whirlpool was a few feet upstream from where the sink hole was observed during the 2018 inspection that led to the October 2018 repair work."⁷¹

* * *

On August 17, 2023, Beckley proclaimed WWCD's original \$3 million expenditure for both Phase I and Phase II of the 2030 Winchester Dam repairs would be the "permanent solution — a fix for 100 years to come."

As per WWCD's permit, Beckley had three weeks, from August 7 -28, 2023, to complete both Phase I and Phase II of the \$3 million repair project.

Phase II of the August 2023 Winchester Dam repair project involved driving drive steel piles across the aforementioned sink hole area around the southern abutment and use them to form cofferdams, so the water can be pumped out of the chamber, the dirt and sediment removed, and fresh concrete poured in on top of metal anchors driven into the bedrock. This requires bringing a large impact hammer mounted on a 40-60' barge to the dam face, to drive the piles.

Penny wise and pound foolish, Beckley hired too few workers and skimped on equipment and vehicles costs. This abundance of frugality put the August 2023 Winchester Dam repair project significantly behind schedule.

Beckley received a three-day extension until August 31, but missed that deadline, as well. In the end, he couldn't bring the job in on time or on budget.

It's now evident that an exponentially larger crew working around the clock would be required to complete both Phase I and II of the project in the 21 days allotted. Since Beckley has never built a dam before, this is alarming but not surprising.

Now, Beckley is reportedly out of money and Phase I of the repair project isn't even half completed.

During the last week of August 2023, Beckley notified OWRD and the members of the WWCD that Phase II of the dam repair is cancelled.

Now WWCD members have to fork over another \$3 million to pay for Phase II of the dam repairs. Meaning the total cost of the August 2023 Winchester Dam repairs will be at least \$6 million – twice Beckley's contracted price.

If some WWCD members feel like they're being hustled, who can blame them?

* * *

Beckley's permit extension expired on August 31. Apparently unwilling to pay overtime, Beckley retained a five-man skeleton crew to work over the Labor Day weekend to complete Phase I of the dam repair project. This entailed removing the supersacks and rubber-tire pads from the riverbed before the private water ski lake behind the dam is refilled and the fish ladders are back in service.

On Sunday night, September 3, 2023, Beckley refilled the private water ski lake behind the Winchester Dam.

One wonders if the permitting agencies will fine him for missing the August 31st deadline.

In his permit application, Beckley claimed one of the reasons for draining the lake and taking the fish ladder out of service for a month was the need to repair the leaks in the dam to eliminate fish false flow attractions.

Nevertheless, during the August 2023 Phase I repairs at Winchester Dam, Beckley's crew drilled over 100 six-inch diameter brand new holes through the dam face to install tie-rods into the bedrock on the upstream side.

Curiously, Beckley's the crew did not plug these holes.⁷²

Once the private water ski lake is refilled, each of these 100 unplugged holes will leak copiously, causing many new false flow fish attractions.

After spending \$3 million to stop the leaks in the dam face, the leaks are now exponentially worse than they've ever been.⁷³ Not one of these 100 large holes in the dam face were there when Beckley began repairs on August 7, 2023.

Witnesses photographed Oregon Department Fish and Wildlife (ODFW) inspectors, working overtime (at taxpayers' expense) over the Labor Day holiday weekend, repeatedly walking by the obviously leaking six-inch holes in the face of the Winchester Dam and simply ignoring as if they were not there.

And the foundation of the dam is still now leaking⁷⁴ worse than ever before.⁷⁵

It is indeed ironic – one of the primary reasons ODFW granted the Beckley a permit to repair Winchester Dam was to stop the leaks in the dam.

* * *

Repeat offenders like the Winchester Water Control District (WWCD) and its Portland-based president Ryan Beckley constitute a public menace to the health of the community, its natural resources, and its future.

One hesitates to speculate how much the economy of Douglas County would benefit from the removal of the dam and the restoration of the fisheries on the wild and scenic North Umpqua River – considerably more revenue than the county derives from the property taxes of the 99 WWCD property owners.

The public's access to our local Wild and Scenic North Umpqua River has been hijacked and privatized by a few rich and powerful white men of privilege who have captured the state and federal agencies upon whom the less rich and powerful citizens of Douglas County rely upon to render unbiased decisions for the benefit of the many and not the few.

There can be no doubt that the Winchester Dam will be permanently removed. The only question is when – and will it be too late?

But even with the current repairs, the condemned dam remains a ticking timebomb waiting to explode upon the unsuspecting downstream residents of Roseburg.

One wonders why the F.B.I. isn't investigating the Winchester Water Control Board and the state agencies that blindly support the 99 wealthy landowners and their private water ski lake.

* * *

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- ²⁵ Environmental Protection Agency, Overview of Wood Preservative Chemicals, <https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals>.
- ²⁶ Possible Carcinogenic Risk associated with Production and use of Creosote-Treated Wood, National Library of Medicine, <https://pubmed.ncbi.nlm.nih.gov/10479980/>.
- ²⁷ Environmental Protection Agency, Overview of Wood Preservative Chemicals, <https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals>.
- ²⁸ Dam Safety Program Coordinator Tony Janicek's October 16, 2019, letter to Ryan Beckley, <https://waterwatch.org/wp->

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²⁹ Water Resources Department, Chapter 690, Division 20, Dam Safety, 690-020-0400, Emergency Action Plans (EAP), <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=271281>.

³⁰ KQEN New Radio 1240, “Two Go Over Winchester Dam on Paddleboard,” June 7, 2022, https://kqennewsradio.com/2022/06/07/two-go-over-winchester-dam-on-paddleboard/?fbclid=IwAR2btADTtgcjp_CiRPuUcKjyjlmgKa9XuC5miM6veTGyxz9UQPX_HJmJuYA.

³¹ April 18, 1994, letter from Gary Ball, Watermaster, to Al Cook, Southwest Regional Manager or Oregon Water Resources Department.

³² Oregon case #3:20-cv-01927-IM, pertaining to Oregon laws ORS 537.130, and ORS 537.400-407. <https://waterwatch.org/wp-content/uploads/2020/11/2020.11.06-Winchester-complaint-Final.pdf>
<https://waterwatch.org/wp-content/uploads/2022/03/SW-398.pdf>

³³ Winchester Dam fact Sheet, WaterWatch of Oregon, <https://waterwatch.org/wp-content/uploads/2020/12/WINCHESTER-DAM-FACT-SHEET-FINAL-11-10-20.pdf>.

³⁴ Ryan Beckley, TerraFirma, Owner/President, <https://www.goterrafirma.com/about-us/meet-the-team/24024-ryan-beckley.html>

³⁵ Oregon Water Resources Department Water Rights Information Query https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=154468.

³⁶ Oregon law ORS 533.020 states:

I. Water control districts may be created as provided in this chapter for the purpose of acquiring, purchasing, constructing, improving, operating and maintaining drainage, irrigation, and flood and surface water control in order to prevent damage and destruction of life and property by floods, to improve the agricultural and other uses of the land, and to improve the public health, welfare, and safety.

II. A water control district, organized for one or more of the purposes provided by subsection (1) of this section, may also acquire, purchase, construct, improve, operate and maintain works and facilities for the secondary purposes of domestic, municipal and industrial water, recreation, wildlife, fish life and water quality enhancement. However, a water control district may not be created solely for one or more of the purposes provided by this subsection.

³⁷ 1976 engineer’s report on Winchester Dam, https://waterwatch.org/wp-content/uploads/2022/03/Report_Wood_1976.pdf?fbclid=IwAR1fIL6r0AoPtO2aqh-5SoiwWaBQPM5wnZmOsFWWIDEiNea45aBhhUqydjo.

³⁸ OAR 635-008-0127, North Umpqua River, Winchester Ramp (Douglas County), https://oregon.public.law/rules/oar_635-008-0127.

³⁹ Jeff Mize, Winchester Dam Scheduled for Repairs, News-Review, July 16, 1991, <https://drive.google.com/drive/folders/106M5RQhIoiWcWdpad7sS1C5Cuae3tYUz>.

⁴⁰ ORS 509.585, Fish Passage Required for Artificial Obstructions, #3, [https://oregon.public.law/statutes/ors_509.585#:~:text=\(3\),needs%20of%20native%20migratory%20fish](https://oregon.public.law/statutes/ors_509.585#:~:text=(3),needs%20of%20native%20migratory%20fish).

⁴¹ Oregon Department of Fish & Wildlife Fish Screening and Passage Program 2019 Statewide Fish Passage Priority List April 19, 2019, <https://www.dfw.state.or.us/fish/passage/docs/2019%20Fish%20Passage%20Prioritization%20Methods%20Paper.pdf>.

⁴² WaterWatch of Or. v. Winchester Water Control Dist., September 22, 2021, <https://casetext.com/case/waterwatch-of-or-v-winchester-water-control-dist>.

⁴³ Erik Neumann, “Dam Repairs on North Umpqua River Cause Emergency Lamprey Salvage, Concerns about Steelhead,” Jefferson Public Radio, <https://www.klcc.org/environment/2023-08-11/dam-repairs-on-north-umpqua-river-cause-emergency-lamprey-salvage-concerns-about-steelhead>.

⁴⁴ Kirk Blaine, Native Fish Society, August 10, 2023, <https://nativefishsociety.org/news-media/winchester-dam-repairs-spark-massive-pacific-lamprey-kill>.

⁴⁵ Rare, Threatened, and Endangered Species of Oregon, Oregon Biodiversity Information Center, August 2016, <https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2016-rte-book.pdf>.

⁴⁶ Coho at Winchester Dam (September 1 to January 30), https://www.dfw.state.or.us/fish/fish_counts/winchester/historical/coho.pdf.

⁴⁷ Winchester Dam Lamprey Count: <https://www.facebook.com/photo/?fbid=268545439127422&set=pcb.268546009127365>.

⁴⁸ Summer Steelhead at Winchester Dam, (May 1 to November 30), https://www.dfw.state.or.us/fish/fish_counts/winchester/historical/summer%20steelhead.pdf.

⁴⁹ Kerian O'Donnell, Manager, Department of Environmental Quality, January 27, 2020 letter to Basco Logging, <https://www.courthousenews.com/wp-content/uploads/2022/09/DEQ-fine.pdf>.

⁵⁰ *Ibid.*

⁵¹ Erik Neumann, "Dam Repairs on North Umpqua River Cause Emergency Lamprey Salvage, Concerns about Steelhead," Jefferson Public Radio, <https://www.klcc.org/environment/2023-08-11/dam-repairs-on-north-umpqua-river-cause-emergency-lamprey-salvage-concerns-about-steelhead>.

⁵² The River Rambler Podcast, Episode 103 – The Winchester Dam, August 22, 2023, <https://open.spotify.com/episode/12TTxp3hZicS4pEKEhL2qI?si=M1QGv3S5R96UPYP8V0aicA&nd=1>.

⁵³ Ellie M. Dalsky, Justin B. Greer, John D. Hansen, and Rachael F. Lane, "Tire-Derived Transformation Product 6PPD-Quinone Induces Mortality and Transcriptionally Disrupts Vascular Permeability Pathways in Developing Coho Salmon," July 19, 2023, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10399305/>.

⁵⁴ Pressure treated wood in face of Winchester Dam, <https://drive.google.com/drive/folders/106M5RQhIoiWcWdpad7sS1C5Cuae3tYUz>.

⁵⁵ Jeffery Dose, Guest Column: Loss of Lamprey was Reprehensible, Predictable," *News Review*, August 17, 2023, https://www.nrtoday.com/opinion/guest_col/guest-column-loss-of-lamprey-was-reprehensible-predictable/article.

⁵⁶ Hannah Seibold, Winchester Dam: Attempts to Salvage Fish, *News Review*, Aug 17, 2023, <https://www.nrtoday.com/news/winchester-dam-attempts-to-salvage-fish-dam/article>.

⁵⁷ Jeffery Dose, Guest Column: Loss of Lamprey was Reprehensible, Predictable," *News Review*, August 17, 2023, https://www.nrtoday.com/opinion/guest_col/guest-column-loss-of-lamprey-was-reprehensible-predictable/article.

⁵⁸ https://waterwatch.org/wp-content/uploads/2023/07/Joint-Permit-Application-DEQ-Submittal_20230707-Updates.pdf?fbclid=IwAR3V3LGNHiLmCyjJK7qQ3uv5pR8GcpC4-OnW7dyj5Auac1luyP9gn61EFdA.

⁵⁹ Jeffery Dose, Guest Column: Loss of Lamprey was Reprehensible, Predictable," *News Review*, August 17, 2023, https://www.nrtoday.com/opinion/guest_col/guest-column-loss-of-lamprey-was-reprehensible-predictable/article.

⁶⁰ Kirk Blaine, Native Fish Society, August 10, 2023, <https://nativefishsociety.org/news-media/winchester-dam-repairs-spark-massive-pacific-lamprey-kill>.

⁶¹ "Wealth, Income and Oregon's Rural Communities," Coast Range Association 2023, <https://coastrange.org/wp-content/uploads/2023/05/Wealth-Income-and-Rural-Communities.pdf>.

⁶² DataUSA, Douglas County, Oregon, <https://datausa.io/profile/geo/douglas-county-or>.

⁶³ Oregon counties mapped by food stamp usage, unemployment and poverty, September 13, 2013, <https://projects.oregonlive.com/maps/foodstamps/>.

⁶⁴ Erik Neumann, "Dam Repairs on North Umpqua River Cause Emergency Lamprey Salvage, Concerns about Steelhead," Jefferson Public Radio, <https://www.klcc.org/environment/2023-08-11/dam-repairs-on-north-umpqua-river-cause-emergency-lamprey-salvage-concerns-about-steelhead>.

⁶⁵ Jack Roberts, Equipment World, "Contractor of the Year Finalist: Ryan Beckley," Feb 28, 2007, <https://www.equipmentworld.com/business/article/14943570/contractor-of-the-year-finalist-ryan-beckley>.

⁶⁶ https://waterwatch.org/wp-content/uploads/2023/07/Joint-Permit-Application-DEQ-Submittal_20230707-Updates.pdf?fbclid=IwAR3V3LGNHiLmCyjJK7qQ3uv5pR8GcpC4-OnW7dyj5Auac1luyP9gn61EFdA.

⁶⁷ Jeffrey Dose, Oregon Department of Fish and Wildlife Commission Testimony, February 18, 2022, https://www.dfw.state.or.us/agency/commission/minutes/22/02_Feb/Dose%20PF%20Testimony%202.18.22.pdf.

⁶⁸ <https://waterwatch.org/wp-content/uploads/2021/05/COMMUNITY-DAM-REMOVAL-SUPPORT-LETTER-TO-WWCD.pdf>

⁶⁹ Jim McCarthy, *The River Rambler*, Episode Three, The Winchester Dam, August 22, 2023, <https://open.spotify.com/episode/12TTxp3hZicS4pEKEhL2qI?si=M1QGv3S5R96UPYP8V0aicA&nd=1>.

⁷⁰ Inspection of Winchester Dam, September 24, 1985, https://waterwatch.org/wp-content/uploads/2022/03/Inspection_Trusty_1985.pdf.

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⁷³ Douglas County Report, September 4, 2023, <https://www.facebook.com/DouglasCountyReport/videos/1066435177676349>.

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⁷⁵ Douglas County Report, September 4, 2023, <https://www.facebook.com/DouglasCountyReport/videos/1066435177676349>.

EMERSON Steven C * ODFW

From: Jacob Foster <jakewnfoster@gmail.com>
Sent: Thursday, September 7, 2023 11:08 AM
To: ODFW Commission * ODFW
Subject: North Umpqua Winchester Dam Concerns

You don't often get email from jakewnfoster@gmail.com. [Learn why this is important](#)

ODFW Commission Members,

I am writing to express my deep concern for your lack of enforcement of the construction violations that are taking place on the current Winchester Dam project. You have closed the river to fishing due to low numbers yet are allowing what I understand to be a under qualified company do shoddy work and blast trapped fish with concrete residue. Why are non profits sounding the alarm while you do nothing? You continue to disappoint anglers and hunters of this state time and time again.

Sincerely,

Jake Foster
541-505-0855

EMERSON Steven C * ODFW

From: Alex <willoughbyalex08@gmail.com>
Sent: Thursday, September 7, 2023 11:06 PM
To: ODFW Commission * ODFW
Subject: Winchester Dam- A plea to protect our natural resources

You don't often get email from willoughbyalex08@gmail.com. [Learn why this is important](#)

To Whom It May Concern,

I live in Winchester, OR and have been following the Winchester Dam repairs. I'm extremely disappointed by ODFW's lack of response to the multiple repeated infractions from Terra Firma at the dam.

During the process I personally reached out to Greg Huchko via email with my concerns and have yet to receive a response from him. The dam, much less the shabby repair job by Terra Firma, is obviously an out-dated eye sore and should have never been allowed to be owned by private citizens who have complete disregard and disrespect for the beloved North Umpqua and the amazing fish species that are struggling.

In a year that fishing was closed by ODFW for low fish returns, to allow such a pathetic operation much less EXTEND THEIR DEADLINE WHILE STEALHEAD AND SALMON JUMPED AT THE DAM, is absolutely unacceptable and ODFW should be ashamed.

If ODFW wants to reclaim any credibility for their complete lack of oversight, you're department needs to bring full charges upon Terra Firma and the "Winchester Water Control District" (aka a group of private homeowners) and fine them for every single infraction, every single Lamprey killed, every single day over their deadline, every single lie that fell out of Ryan Beckley's mouth, every once of cement that we all watched them pour into the river, etc. The public is watching and this isn't going away. My dad lives in Iowa and was even contacted by the governor's office to followup on concerns he sent them.

The saddest and most disappointing fact is that ODFW appeared to try and pretend they didn't notice what was happening, avoided being present at all times, and never held Terra Firma accountable during the project as they continued to violate standards and harm fish. It was easier for your department to pretend to be ignorant than uphold your duty as ODFW officials, and we all watched as you did it.

These are the exact moments in history that we as sportsman need you and your department to protect our wild places. Once the wild is gone we can never get it back. Once species become extinct we can never get them back. Stand up for what I know you also believe to be true and don't settle with these bastards. Fine them maximally for every single infraction and get this piece of shit dam removed from our (THE PUBLIC'S) river.

PS: I still would like a call from Greg Huchko. My cell is 701-567-3727.

Respectfully,

Alex Willoughby, MD

EMERSON Steven C * ODFW

From: chris armes <chris@16thworkshop.com>
Sent: Friday, September 8, 2023 10:02 AM
To: ODFW Commission * ODFW
Subject: North Umpqua River

[You don't often get email from chris@16thworkshop.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To Whom it May Concern,

I am writing to express my sadness and frustration in regard to current repairs at the Winchester Dam on the North Umpqua River. Allowing the Winchester Water Control Board to have this much control over a resource that serves a much larger community is a tragedy and something one might expect from the 1920s but not 2023. They have proven time and again to take the cheapest route possible in dam repair. Those repairs in many instances doing more harm than good and very short sighted (look and see what is going on right now, as we speak). Furthermore and even more egregious, governing agencies have approved and permitted these repairs.

I have learned that this dam exists for no other reason than to serve the flat water boating "needs" of about 100 families (quotes denote that it is not an actual need but a privilege). This at the cost of losing runs of salmon and steelhead for the greater community and the State of Oregon at large. It hasn't generated electricity in years and municipal water can be gathered without it. That is a very sad state of affairs. They and your agency as well by your complicity do not seem to care if there are fish in the river. It has become abundantly clear in the last two summers that fish are not returning in the numbers they once did (and the dam is a big part of this) and yet you continue to go on with business as usual. We can't afford to do that anymore.

They are removing dams on the Klamath River because they realize the long term value of these fish and yet just north they are repairing a dam that has been proven to damage fish runs and serves no purpose. That is ludicrous. It is not the only cause of losing these fish runs (Smallmouth bass populations and increased river temps come to mind) but it is an obvious one that is more easily reversible.

First and foremost I ask that you investigate the well documented violations of your approved permits by the WWCB and their contractor, Terra Firma (who, by the way, is primarily a basement foundation repair contractor and is owned by the WWCB president; deep conflict of interest there.)

Second, and long term, please change your path and work to right this wrong and take this dam down. It serves a privileged few at the cost of all. If you do not, you will have a river with no fish. A very iconic river (with the Rogue, probably the only two westward flowing major rivers in Oregon) but also a very empty river. A very dead river.

Best,

Chris Armes
Born and raised in Winchester, OR

EMERSON Steven C * ODFW

From: Jen Matthews <email.jmatthews@gmail.com>
Sent: Sunday, September 10, 2023 10:25 AM
To: ODFW Commission * ODFW
Subject: Repairs to Winchester dam on the North Umpqua river

You don't often get email from email.jmatthews@gmail.com. [Learn why this is important](#)

Dear ODFW Commissioners,

I am unable to attend your meeting on Sept. 15th, but I would like to submit the following email as testimony. I closely watched the repair of Winchester dam in August. There were a number of things that were alarming to me. I would like ODFW to do what's right for the North Umpqua river.

1. Rotten wood in dam structure. When the plywood was peeled off of the north section of the dam, it revealed old disintegrating wood in the dam's core structure. The contractor was careful to quickly cover it up with new plywood and only uncover a small section at a time. This dam is disintegrating and ODFW should support removal of the dam.
2. Numerous large matts that appeared to be made from old tires were used in the river bed to drive large equipment on. With the recent and well published discovery that tires contain compounds that are very toxic to fish, these should not have been allowed in the river. The contractor should be fined for this.
3. It is my understanding that there is approximately 400 acre-feet of illegal water storage behind Winchester dam. The Winchester dam owner's should have to apply for an additional water right for this water. An additional storage right would require them to update the fish ladder to comply with modern rules. ODFW should be requiring improvements to fish passage or removal of the dam.
4. After the repairs were completed and the reservoir was being refilled, it was evident that the dam was still leaking at many locations. A dam should not leak! The false attraction to fish from these leaks will continue to impair the ability of fish to find the fish ladder and can be deadly due to exhaustion. Requiring efficient fish passage should be core to ODFW's mission. This also circles back to point #1. This dam doesn't hold water and should just be removed.

About myself, I am an upstream property owner. The health of the North Umpqua and its fish populations is extremely important to me. I have spent most of my career (24 yrs) working with fish at the Univ. of Oregon. For many years, I was a member of the Fish Health Section of the American Fisheries Society. Thank you for consideration and action on these items. Respectfully, Jen Matthews

Jennifer L Matthews, DVM, PhD
7447 North Bank Rd
Roseburg, OR 97470
541-915-1875
Email: email.jmatthews@gmail.com

EMERSON Steven C * ODFW

From: Joey Castellanos <joeycastel@gmail.com>
Sent: Monday, September 11, 2023 5:30 PM
To: ODFW Commission * ODFW
Subject: Winchester Dam Removal

You don't often get email from joeycastel@gmail.com. [Learn why this is important](#)

Dear members of ODFW,

I believe that everything happens for a reason. While the recent events at Winchester dam have brought significant negative publicity to Douglas County and our state's legislative guardians, I am holding on to hope that this may lead to a brighter day for wild rivers, Anadromous fish, and the unmatched beauty of the North Umpqua.

If the recent failures of the Winchester dam project can help spur the needed removal of this dam, then we will have turned a sour situation into one of promise for hope, future, and wild fish. This decision and action is not easy, but it is needed. This stance by ODFW may not appease all, but it is in the best interest of the organization and all of the species promised to protect. We will stand by you, support you, and assist along the way.

Please remove the Winchester Dam. Out of the darkness of recent and historical failures, we now have the opportunity to create a brighter future for the most important things we have been tasked to protect - our wild fish, natural ecosystem, and this legendary river.

Please help create a new legacy which prioritizes these things versus private recreation, and allows us as Oregonians to enjoy the beauty of this river as it was intended. The time is now to remove Winchester Dam.

Many thanks,

Joey Castellanos
Bend, OR

EMERSON Steven C * ODFW

From: Jonathan Terhaar <jonofark@mac.com>
Sent: Monday, September 11, 2023 6:20 PM
To: ODFW Commission * ODFW
Subject: Winchester

[You don't often get email from jonofark@mac.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

How can you allow this dam 'repair' to continue?

ODFW obviously doesn't care about the fish. First, you ignore votes about wild steelhead retention in coastal watersheds, now this. It's a broken record.

Inexcusable.

EMERSON Steven C * ODFW

From: Mark Brown <brownlo54@yahoo.com>
Sent: Monday, September 11, 2023 7:31 PM
To: ODFW Commission * ODFW
Subject: N Umpqua

[You don't often get email from brownlo54@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

The NU is treasured in OR and around the world. Anything less than stellar protection for the river is neglect and dereliction of your stated mission. The days of the TVA and the post war Army Corps of Engineers are dead.

Sent from my iPhone

EMERSON Steven C * ODFW

From: Angelica, John <JAngelica@cpg.org>
Sent: Tuesday, September 12, 2023 4:36 AM
To: ODFW Commission * ODFW
Subject: N Umpqua

You don't often get email from jangelica@cpg.org. [Learn why this is important](#)

To Whom It May Concern

I am writing to urge the commission to take all steps/actins possible to preserve a great natural resource.

I live on the east coast. I travel several times a year to the Pacific NW to fish. I've been to many places/rivers. The N Umpqua is one of the most beautiful, most spectacular fisheries (and just one of the most beautiful places) I've visited. I have driven up Steamboat Creek many times and sat and watch the steelhead/salmon sit in Big Bend Pool waiting for the right moment to complete their long journey. I've had the honor (and pleasure) of having a couple/few conversations with Lee Spencer about the fish, the river and life in general. The best word I can come up with to describe my experiences there is spiritual.

In short, mother nature isn't really making any more of these kinds places, so its important to do all we can to preserve the ones we have. Again, please take the steps necessary to preserve this great natural resource.

Sincerely and with Gratitude,
John Angelica

EMERSON Steven C * ODFW

From: Rory Lipsett <rorylipsett@comcast.net>
Sent: Tuesday, September 12, 2023 5:03 AM
To: ODFW Commission * ODFW
Subject: North Umpqua Concerns

[You don't often get email from rorylipsett@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To Whom It May Concern,

I'm writing to you on behalf of the North Umpqua River as a concerned sportsman and conservationist. While I'm not a native Oregonian, I routinely fish Oregon's waters and the North Umpqua holds a special place in my heart. I've been making an annual trek to the North for quite a few years from Pennsylvania pursuing the "crown jewel" of the North Umpqua, the Summer Steelhead. There's no place like the NU and the mystique surrounding it. Its rich history steeped in steelhead fly fishing is amazing. It's a must do pilgrimage for any true Steelheader.

Regrettably, I've watched this fishery decline significantly in the last five years and was disappointed to hear that the North Umpqua would be closed again this summer due to low returns. What happened next truly defied all logic and reason... I sat in disbelief watching the water levels of Winchester Dam drawn down, and dam repairs made during the critical peak migration of Wild Summer Steelhead. These fish already are already on the verge of extinction and this didn't do them any favors.

These dam repairs only concerned the few i.e. the 156 people who benefit from the dam, and didn't take into account the 1000's of sportsman who love this river and pour money into fishing licenses, and local communities, generating exponential revenue for the State of Oregon.. The repairs authorized were at the most inopportune time possible. It's really unbelievable that an organization charged with the conservation of Oregon's natural resources would allow these repairs at such a critical time.... I can guarantee the impact of fishing would have been way less damage to the population than the catastrophe you just helped catalyze.

Moreover, many steelhead conservation organizations documented the sloppiness of these repairs and blatant disregard for water quality, the environment, and the wildlife that lives there. The contractor (who has no experience with dam repair) only attempted to do the right thing when someone was watching. You, ODFW, failed. You are to be the protector of these fish and this river. You failed when these fish needed you most. It's time to hold all persons and organizations accountable for the decisions made for the North Umpqua.

Restore the North Umpqua back to its original state and let its waters and fish run free.

V/R,

Rory Lipsett

EMERSON Steven C * ODFW

From: Jamie <jamieruns@gmail.com>
Sent: Tuesday, September 12, 2023 8:00 AM
To: ODFW Commission * ODFW
Subject: Investigate impacts from Winchester Dam repairs

You don't often get email from jamieruns@gmail.com. [Learn why this is important](#)

Dear Commissioners,

I'm an Oregon resident and sportswoman that enjoys fly fishing on the North Umpqua. That river is an ecological gem, a stronghold for our state's sport fishery, and should be treated with the utmost respect and care -- especially these days with anadromous fish runs struggling like they are.

The damage that occurred during the repairs to the Winchester Dam is inexcusable, but unfortunately what's done is done. **I'm writing to request that the commission do all they can now to investigate harm done towards state sensitive species, and hold the dam owners accountable for damage done to our shared public resource.** Furthermore, the Commission should support removal of this dam, which is causing (and will continue to cause) significant harm to a public resource for private benefit.

There may have been a time when the benefits of this dam outweighed the costs, but that time has passed. When we know better, we must do better. Please investigate damages done by the recent repair work and support removal of the Winchester Dam. Our future healthy fishery depends on it.

Thank you,

Jamie Dawson

EMERSON Steven C * ODFW

From: James Boyd <jboyd73@gmail.com>
Sent: Tuesday, September 12, 2023 9:29 AM
To: ODFW Commission * ODFW
Subject: North Umpqua Winchester Dam

[You don't often get email from jboyd73@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear ODFW,

I travel every summer from California to fish the North with my friend and river steward Rich Zellman. I believe this dam serves little purpose and only causes harm to anadromous fish. Please give consideration for removal! A lot of tragedies have happened to the North over the past several years, let's not let this dam continue to be one.

Thanks,

James Boyd

EMERSON Steven C * ODFW

From: Jason Koertge <jason@meatisgoodforyou.com>
Sent: Tuesday, September 12, 2023 9:44 AM
To: ODFW Commission * ODFW
Subject: Winchester Dam needs to go

You don't often get email from jason@meatisgoodforyou.com. [Learn why this is important](#)

It's time for Winchester dam to go, as it provides no power, warms a coldwater sanctuary and hampers anadromous fish travel in what may be the Northwest's most iconic river.

With the river heating up prohibitively warm for two years now and the subsequent fishing closure, removal has never been a more important consideration. River communities that benefit from the angler economy are needlessly suffering—and for what? A private, unnatural pond for a handful of landowners who refuse to see the bigger picture?

I love the North Umpqua and the people who love it equally. I love the fish of the North and fishing for them. Our river and her fish deserve better.

JASON KOERTGE | meat, inc. | creative muscle for hire | copywriter | creative director | meatisgoodforyou.com |
IG: [koertge.idea.fabrication](https://www.instagram.com/koertge.idea.fabrication) | 503.869.8899

EMERSON Steven C * ODFW

From: Danielle Kelly <danielleackelly@gmail.com>
Sent: Tuesday, September 12, 2023 10:25 AM
To: ODFW Commission * ODFW
Subject: remove the winchester dam

You don't often get email from danielleackelly@gmail.com. [Learn why this is important](#)

The Winchester Dam needs to go.

This should be a no-brainer. The dam creates an unnecessary obstacle for already struggling populations of salmon and steelhead, and for no purpose. This dam creates a private lake for just 156 individuals, whereas the lower sections of the river provide habitat for fish, and recreation for the communities and tourists alike. This river attracts tourists, benefitting the surrounding economies: eating in their restaurants, stocking up in the local stores, gas, etc... and those coming for the fishing experience, an industry also in dire straits, are important advocates for protecting these populations, and these gorgeous natural habitats we all want to preserve. Let's please use common sense and do the right thing removing this pointless and damaging dam.

Thanks you,
Danielle Kelly

EMERSON Steven C * ODFW

From: Mike Staiger <mikestaiger@gmail.com>
Sent: Tuesday, September 12, 2023 9:05 AM
To: ODFW Commission * ODFW
Subject: Winchester Dam

You don't often get email from mikestaiger@gmail.com. [Learn why this is important](#)

I am a steelhead fly fisherman and one of the many thousands of individuals who, over the years, has chosen to travel to Oregon to fish the North Umpqua River. As you consider the future of Winchester Dam, please keep in mind what is at stake for the State of Oregon.

Steelhead and salmon populations are in deep decline throughout the Pacific Northwest in general, and in Oregon in particular. In the North Umpqua region, this not only threatens the stability and long term health of the entire local ecosystem, but also the economic viability of the region. Without taking action to reverse this decline, the people who travel to the North Umpqua region will simply stop coming, and their millions of dollars in annual spending will stop, too.

Repairing the Winchester Dam will ensure the continued decline of North Umpqua salmon and steelhead, as well as the inevitable destruction of the local economy. Removing this dam will have a profoundly positive impact on the fish, the local ecosystem, and the North Umpqua economy — and in turn, on the quality of life of citizens throughout the region.

Please do not repair the Winchester Dam — removing it is the only economically and environmentally viable option.

Thank you for considering the point of view of thousands of people like me as you make this critical decision.

Date: 11 September 2033
To: Chair Wahl and ODFW Commissioners
Subject: Winchester Dam North Umpqua River
From: Peter J. Tronquet

Dear ODFW Commissioners,

After serving as a public advisory board member to three Native Fish Conservation Plans, I am accustomed to ODFW trying to thread the needle between wild salmon conservation and fishing opportunity. While I understand that a certain level of compromise is a necessary part of the process, I was truly disgusted by ODFW's obeisance to the Winchester Water District and the boondoggle of the three-week dam repair work, concurrent with a total closure to fish passage. This decision was made at a time when wild summer steelhead are below critical abundance (786 steelhead counted by July 19th, 1200 is the critical abundance specified by the management plan). The repair work shored up the dam structure but did nothing to provide a safer environment for migratory salmon and steelhead: fish will still injure themselves jumping at the downstream face of the dam; they will still be confused by false attraction flows that were not corrected and struggle to find the entrance to the fish passage ladder; downstream juveniles will continue to be swept over the dam and fall fifteen feet to bedrock, where they get picked off by ospreys.

All of this is discouraging. ODFW has shown that it has the backbone to make conservation decisions, as it did when it closed the North Umpqua to fishing on August 1. But for the most part, ODFW management policy tends to favor fishing opportunity over native fish conservation, which is contrary to the Native Fish Conservation Policy goals. As was the case with the repair permit that ODFW granted to the Water District, the agency and others caved to local political posturing, leaving the fish to bash at the face of a private dam that has no public benefit.

Peter Tronquet
5730 SW Barnacle Ct
South Beach, Oregon 97366
541-261-5041

EMERSON Steven C * ODFW

From: Ed Sylvester <edsly42@gmail.com>
Sent: Tuesday, September 12, 2023 1:36 PM
To: odfw.commission@state.or.us; ODFW Commission * ODFW
Subject: North Umpqua

You don't often get email from edsly42@gmail.com. [Learn why this is important](#)

Winchester dam needs to go. The North Umpqua is a rare resource and this dam damages the fishery as well as the ecosystem as a whole. It needs to go.

Ed Sylvester
Bend, OR

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Ed Sylvester
Bend, OR

Public Correspondence

Received as of September 12, 2023

**Subject: Please stand up for the North
Umpqua River**

**348 individuals submitted the attached
letter (Letter and List Attached)**

Chair Wahl, Commissioners, and Director Melcher,

I am contacting you today regarding Winchester Dam on the North Umpqua River and the disastrous repairs that were recently completed on September 6. I am disappointed with Winchester Water Control District (WWCD) and Terra Firma Foundations for showing little concern for the fish, river, and communities of the North Umpqua during the repairs which have and will have devastating impacts to fish, habitat, and water quality.

On August 7, 2023, WWCD started repairs on the 130-year-old Winchester Dam. ODFW has since received multiple complaints regarding the repairs, including:

~A massive fish kill of Pacific Lamprey that occurred during the repair process. ODFW allowed WWCD a take permit for 30,000 lamprey, however, river advocates documented thousands of lamprey suffering and dying on day one of these repairs. This continued until day 3 when multiple federal, state, and local agencies started an emergency fish salvage on the reservoir pool of this state sensitive species.

~WWCD used mats made from old vehicle tires. These mats, and the dust and debris generated by driving heavy equipment over them, may contain and shed toxic tire additive 6PPD-q, known to be lethal to salmon and steelhead.

~WWCD continued to block fish passage for Native Migratory Fish, including imperiled Summer Steelhead, Spring Chinook, and Pacific Lamprey, past ODFW's deadline. ODFW required WWCD to provide fish passage to Native Migratory Fish starting on September 1, 2023. From our observations, this requirement wasn't achieved until September 5.

~Materials used to temporarily fill the waters of the state for repair purposes were not removed before September 3, 2023, a direct violation of the fish passage authorization and the terms and conditions of the final ODFW extension granted to WWCD. WWCD did not remove fill from above the dam face nor below the dam face next to the newly poured footer.

~WWCD pumped concrete into the North Umpqua River, likely affecting the pH level of the water and stressing and killing fish downstream. WWCD caused a massive fish kill that was documented in 2018 from pouring green concrete in the moving waters of the state.

ODFW's mission is "... to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations." Please live up to your mission by fully investigating the reports of violations at Winchester Dam, and if substantiated, bring enforcement measures to the fullest extent possible. Please publicly support removing Winchester Dam and restoring fish, wildlife, and clean water in the North Umpqua River. Removing this dam will support the fish, commercial fishing, recreational fishing, clean water, public access to state waters, and increase the region's resiliency in the face of climate change.

Thank you for your time and consideration in this matter.

EMERSON Steven C * ODFW 1 9/12/2023 3:51 PM 55

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EMERSON Steven C * ODFW 5 9/12/2023 3:51 PM 59

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Public Correspondence

Received as of September 12, 2023

**Subject: River Action Alert: Hold
Winchester Dam Owners Accountable**

**92 individuals submitted the attached
letter (Letter and List Attached)**

Dear Oregon Fish and Wildlife Commission,

I'm contacting you today regarding Winchester Dam on the North Umpqua River and the disastrous repairs that were recently completed on Sept. 6th. I am disappointed with Winchester Water Control District (WWCD) and Terra Firma Foundations for showing little concern for the fish, river and communities of the North Umpqua during the repairs which have, and will have, devastating impacts to fish, habitat and water quality.

On Aug. 7th, WWCD began repairs on the 130-year-old Winchester Dam. ODFW has since received multiple complaints regarding the repairs, including:

1. A massive fish kill of Pacific Lamprey that occurred during the repair process. While ODFW allowed WWCD a take permit for 30,000 lamprey, river advocates documented thousands of lamprey suffering and dying on day one of these repairs. This continued until day three when multiple federal, state and local agencies began an emergency fish salvage operation on the reservoir pool of this sensitive species.
2. WWCD used mats made from old vehicle tires. These mats, and the dust and debris generated by driving heavy equipment over them, may contain and shed toxic tire additive 6PPD-q, known to be lethal to salmon and steelhead.
3. WWCD continued to block fish passage for Native Migratory Fish, including imperiled Summer Steelhead, Spring Chinook, and Pacific Lamprey, past ODFW's deadline. ODFW required WWCD to provide fish passage to Native Migratory Fish starting on Sept. 1st. According to our information, this requirement wasn't achieved until Sept. 5th.
4. Materials used to temporarily fill the waters of the state for repair purposes were not removed before Sept. 3rd — a direct violation of the fish passage authorization and the terms and conditions of the final ODFW extension granted to WWCD, which did not remove fill from above the dam face nor below the dam face next to the newly poured footer.
5. WWCD pumped concrete into the North Umpqua River, likely affecting the PH level of the water and stressing and killing fish downstream. WWCD caused a massive fish kill that was documented in 2018 from pouring green concrete in the moving waters of the state.

ODFW's mission is "...to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations." Please live up to your mission by fully investigating the reports of violations at Winchester Dam, and if substantiated, bring enforcement measures to the fullest extent possible.

Please publicly support removing Winchester Dam and restoring fish, wildlife, and clean water in the North Umpqua River. Removing this dam will support the fish, commercial fishing, recreational fishing, clean water, public access to state waters, and increase the region's resiliency in the face of climate change.

Thank you for your time and kind consideration in this matter.

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		Daniel Harrison	River Action ...	Mo...	3...	You don't often get email from mountainheart@earthlink.net. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification> Dear Oregon Fish and Wildlife Commission, I'm contacting you today regarding		
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