



OREGON DEPARTMENT OF FISH AND WILDLIFE
Joint Fish Screens & Passage Task Force

MEETING MINUTES

Best Western Plus Olympic Inn, Klamath Falls, OR
Conference Room

Friday – October 4, 2024 @ 0800 to ~1245 hrs.

Members	Representing	Present In Person	Present Virtually	Absent
Fish Passage Task Force				
Kelly Moore	Fishing and Conservation		x	
Denise Hoffert	Fishing and Conservation		x	
Terry Turner (<i>Chair</i>)	Fishing and Conservation	x		
Steve Albertelli	Water Users		x	
April Snell	Water Users			x
Fred Messerle	Water Users	x		
Zak Toledo	Public-At-Large		x	
Ted Labbe	Public-At-Large	x		
Tom Iverson	Public-At-Large	x		
Fish Screening Task Force				
Greg Harris (<i>Chair</i>)	Agriculture	x		
Darin Olson	Agriculture			x
Robert Durham	Agriculture	x		
Kristin Bishop	Fishing or Fish Conservation	x		
Judith Barkstedt	Fishing or Fish Conservation	x		
William Freeland	Fishing or Fish Conservation	x		
Alexis Vaivoda	Public-At-Large			x

ODFW Staff in Attendance:

Mac Barr*, Fish Passage Coordinator
 Katherine Nordholm, Fish Screen and Passage Coordinator
 Sharon Crowley, Assistant Fish Passage Coordinator
 Greg Apke, Fish Screens and Passage Program Manager
 Pete Baki*, ODFW-ODOT Liaison
 Kevin Rybacki, ODFW-ODOT Assistant Liaison
 Kevin Stertz*, Acting North Willamette Watershed District Fish Biologist
 Bill Tinniswood, Klamath Watershed Assistant District Fish Biologist
 Debbie Colbert, Director

Members of the Public in Attendance:

Charles Erdman, Trout Unlimited
 David Hering, Crater Lake National Park
 Stephen Cruise*, Washington County
 Katie Husk*, Washington County
 Cash Chesselet*, ODOT
 Allen Gillette*, ODOT
 Joshua Hanson*, ODF
 Peter Morrow*
 Roxanne Toepfer*

John Lang*
James Fraser*

*Attended virtually, *additional members of the public may have joined virtually throughout the meeting.*

Meeting Agenda

Call to Order Fish Passage and Fish Screening Task Force Meeting

Chair Turner and Chair Harris called the meeting to order at 8:00 am.

Review & Approve Agenda & May 17, 2024 Fish Passage Task Force Meeting Minutes and May 7, 2024 Fish Screening Task Force Meeting Minutes

Chair Turner and Chair Harris asked if questions or changes were needed to the draft meeting minutes from the May Fish Passage and Fish Screening Task Force meetings.

Motion: Messerle moved to approve the Fish Passage Task Force minutes. Labbe seconded the motion. The Fish Passage Task Force voted to approve. All eight members in attendance voted to approve. Motion passed.

Motion: Durham moved to approve the Fish Screening Task Force minutes. Freeland seconded the motion. The Fish Screening Task Force voted to approve. All five members in attendance voted to approve. Motion passed.

ODFW Program Staffing and Task Force Member Updates (*Apke*)

Greg Apke thanked program staff for coordinating the Task Force meeting, announced the program is now fully staffed in Salem and facilitated a round of introductions for staff present. New permanent staff includes Mac Barr as Statewide Fish Passage Coordinator, Sharon Crowley as Assistant Fish Passage Coordinator, and Kevin Rybacki as Assistant ODOT Liaison.

A brief overview of the schedule was provided, including Director Colbert to join the Task Force at noon for lunch and site visits to the site of former JC Boyle Dam, Keno Dam, and Link River Dam in the afternoon. Saturday morning, October 5, site visits to include screening projects and Bull Trout reintroduction barriers on Sun Creek and Annie Creek.

Greg welcomed Tom Iverson and Ted Labbe to the Fish Passage Task Force and facilitated introductions.

Task Force Member Issues, Updates & Roundtable (*All*)

Task force members shared updates related to their areas of representation.

- Terry Turner shared an update on two Trout Unlimited restoration projects in the Clackamas River Basin: a small dam removal on North Fork Eagle Creek currently in progress and a larger stage 0 project on Cub Creek at the confluence with the Clackamas River that reconnected 20 acres of floodplain. He also highlighted his work with the Salmon SuperHwy in Tillamook County that the White House recently named as one of the top 10 transformational fish passage projects in the country. It's a basin scale project that opened up over 120 miles of spawning and rearing habitat in five Tillamook basins.
- Bill Freeland shared he's attended meetings with the Long Tom Watershed Council about rehabilitating grasslands in the area and making a difference between burning and non-burning habitat. He also shared an observation of Northern Pikeminnow in the Thompson Mill tailrace in the Calapooia River that then go upstream to spawn.
- Ted Labbe introduced himself and shared he's trying to open up two barriers on his property along Bagley Creek that has a historically important Coho salmon run in the Elk River basin in southern Oregon. He also has family property in Wallowa County with tributary frontage. The tributary enters the lower Grande Ronde River and is a thermal refuge for steelhead and salmon. He shared that Depave, a Portland non-profit, has removed over 8 acres of pavement and put in gardens, trees, native landscaping, and bee pollinator habitat in its place. The work has spawned a worldwide movement and is trying to organize an international meeting in Chicago next year.
- Greg Harris shared this is his last meeting on the Fish Screening Task Force. When he joined the task force, he was hopeful to be in the process of rebuilding their fish screens in Boardman, a project that started in 2010. He said it has been interesting working with temperature and stream modeling done by Freshwater Trust. The new screens are still at least two years out, but they recently submitted consultation measures for the biological assessment for review. ODFW and NMFS surveys show that at peak flows the water is warm and there are no listed species in the inlet, which is good because there is no bypass flow. He invites everyone to come see the new state of the art screens once they are installed in a few years.

- Bob Durham shared he raised cattle on a farm near Dufur in Wasco County. They have a very small irrigation district that runs 6cfs and had rotary screens installed in 1995-1996. They divert water from the Eightmile Creek, which has listed salmon and steelhead as well as lamprey. For the last ten years they've utilized a program partially funded by Freshwater Trust and OWEB to pay farmers to shut off water when temperatures are too high to keep the water in the creek. The small-scale program is successful, but it is a struggle to obtain funding.
- Kristin Bishop shared that fishing has been ridiculously good this fall and the Coho catch on Buoy 10 has been the best they've seen in years. She also volunteered with Salmon Watch at Packsaddle Park near Gates that provides an opportunity for 4th graders throughout Marion County to learn about salmon and streams at a variety of stations, conduct a fish dissection, and look for spawners in the river.
- Fred Messerle shared that he is happy the fish passage program is fully staffed and reminded us that the revised Oregon Administrative Rules were passed two years ago, but there has yet to be any guidance on them. He updated the Task Force that there has been no response to the letter sent to the Director, the Legislature, and the Governor. He also reiterated his experience and the frustration of local landowners with the complexities of state and federal permitting for tide gate replacement and restoration projects on the coast. He shared there is a local engineering entity working on an alternative tide gate that would meet fish passage requirements and be less expensive than current technology. There are 800-1000 tide gates along the coast and Lower Columbia River that will need to be replaced in the next 10 years.
- Judith Barkstedt acknowledged the trouble with permitting and shared that NOAA fisheries is aware of the problem. She shared the US Forest Service is reinitiating their restoration programmatic agreement that includes fish passage, fish screening, and hopefully, tide gate replacements. She updated the Task Force that the Upper Klamath Trinity Chinook is a candidate species for ESA listing, but as for all candidate species, the process will take at least a year and a half to conclude. She also shared that Oregon Coast Coho is the closest salmon that could be delisted, but that more improvement is needed, particularly in the Umpqua stratum.
- Tom Iverson introduced himself to the Task Force and described his career working on salmon and steelhead recovery in the Columbia River basin and coordination with state, federal, and tribal entities' interests in the hydropower, transportation, agriculture, and other economic sectors impacted by the dams. He is exploring the question of "how do we develop energy where we keep the river flowing for fish?" while looking thoughtfully at replacing all the services the Snake River dams provide. He shared he lives in Portland and represents Oregon citizens, but also brings a tribal perspective due to his work for the Yakama Nation. He would like to see a tribal seat created for both task forces.
- Denise Hoffert introduced herself and shared that she works statewide as an OWEB partnerships coordinator for a variety of board set priority ecosystem types. She is currently working with the Clackamas, John Day, Hood River, and Warner basins on a large grant benefitting habitat for native aquatic fish species. She also shared that while she was the Calapooia Watershed Council executive director, she worked to remove mainstem Calapooia R dams and also worked with State Parks to install the Obermier weir that maintains the mill race flow at Thompson Mill.
- Zak Toledo shared he works at a public infrastructure engineering firm and advises clients on fish passage improvements. He explained that extreme events and climate science are an ever-increasing concern of the public, and he is excited for the Task Force to hear how the fish barrier prioritization list addresses climate change.
- Steve Albertelli shared that he is a licensed program manager with PacifiCorps and manages various fish passage structures associated with the North Umpqua and Prospect hydroelectric projects.
- Kelly Moore introduced himself and the work he did at the ODFW in Corvallis, the governor's office, and OWEB. He discussed the stream surveys and fish monitoring conducted by the department were used by the TRT group convened by NOAA to look at the modeled sustainability of Coastal Coho populations. He explained how genetics work done at OHRC shows that Coho are not all that faithful to their natal streams, that they spread out, and the amazing run in the Willamette River should be considered with the priority barrier list. He expressed that like Fred Messerle and others, he is also very frustrated with the difficulty of moving some of these projects. He stated he is pleased with the new leadership at the agency and hopes things go well, but also warned to be cautious with budgets and issues.

Greg thanked everyone and asked Task Force members and department staff to get to know one another, be open and listen to other perspectives on the issues relating to screens and passage. Greg asked Bill Tinniswood to introduce himself to the Task Force.

- Bill Tinniswood shared that he is the Assistant District Fish Biologist in Klamath Falls and been here for 21 years. He grew up near Keno Dam, has a huge passion for the area, and is looking forward to being here today.

Statewide Priority Barrier List Update (*Nordholm*)

Katherine Nordholm gave an update on the Statewide Priority Barrier list work, with a focus on the changes to the ranking equation. The equation was updated to account for climate change and future conditions by adding a change in thermal suitability variable for future conditions and a cold-water variable for current conditions. Katherine is working with Courtney Zambory in Corvallis who spoke at previous workgroup and Task Force meetings. The Task Force asked clarifying questions on the specifics of the climate change inputs. Tom Iverson referenced a paper by the EPA on Columbia River cold water refugia. Ted Labbe asked if this is the first time climate change variables are part of the equation. Greg Apke explained this is the first time climate variables are being added to the equation and expects more data precision over the next five years. He reiterated the purpose of the priority list is to help the agency and stakeholders decide where to prioritize spending and federal funds. Bob Durham added that in the Fifteenmile district, they have adjusted the temperature limit because fish are adjusting to what we consider critical temperature, but that every creek is different, and every group of fish is different. Katherine explained the maximum number of points a barrier could receive for climate change variables is 60 and that it will not move a barrier too far up on the list. Progress is being made on finalizing the scores and the white paper, and Katherine is following up with the districts on any outstanding questions. More information about the Priority Barrier list will be updated on the website as we continue with this process.

Public comment period at 9:30

Chair Turner started the public comment process at 9:30 and asked for any members of the public to comment. There were no public comments.

Washington County Fish Passage Waiver Request – O’Neil Creek Culvert (*Barr*)

Mac Barr presented an overview of the O’Neil Creek fish passage exemption request Washington County seeks to replace the culvert under Old Highway 47 during the 2025 in-water work window to prevent potential road failure. Washington County has previously demonstrated its commitment to provide fish passage through a programmatic agreement. ODFW conducted site analysis in June 2023 and August 2024. O’Neil Creek is in the Tualatin River basin, south of Forest Grove. It is a perennial stream with private timber in the headwaters, rural residential areas, a landscaping nursery, and agricultural areas downstream of Old Hwy 47. The culvert is a perched, failing cast concrete culvert connected to a manhole that connects to a private CMP and irrigation pond upstream. Barr provided a schematic of the existing conditions. Mac described the upstream habitat is mapped for Coastal Cutthroat Trout and includes additional channelization and timber harvest; downstream habitat includes reed canary grass, blackberry, and a straightened channel for agriculture. O’Neil Creek is DEQ water quality limited. Washington County’s proposed treatment eliminates the downstream perch, installs a larger culvert and manhole designed such that if upstream infrastructure is corrected or removed, the county can decouple from it and provide fish passage at that time. Kevin Stertz, Acting District Fish Biologist, commented there is no appreciable benefit and recommended to approve the exemption. ODFW will review the exemption every 7 years per OAR 635-412-0025(6). Four public comments were received during the public comment period prior to the Task Force meeting. These comments submitted by Zohar Wacks, Axel Gerber, Jaime Zaik, and Brian Posewitz and were read aloud and reviewed in a slide show presentation.

Ted Labbe commented that the proposed 4’ culvert could be a velocity barrier for certain times of the year and asked what future remediation would look like assuming upstream barriers were removed. Stephen Cruise responded Washington County worked with Mac Barr, Kevin Stertz, and ODFW engineers to set the culvert at a slope to meet the hydraulic criteria of 5-95% flows and the 4’ diameter culvert was the largest that could be tied into the upstream infrastructure. Bill Freeland asked about the status of the upstream barriers and if there is any proposal to address those. Mac Barr responded there are no proposed changes he is aware of. Tom Iverson asked if the waiver is not granted, how would the proposed culvert design look different. Stephen Cruise replied they would likely have to go downstream and work up the streambed to tie it into the existing private manhole structure at a flat gradient, but you still would not have passage into the private upstream 36” culvert that goes around the irrigation pond. Katie Husk added there would be more downstream work, a flat culvert or box culvert for fish passage, but the proposed 4’ diameter culvert is designed for roadway stability. Bill Freeland asked if there are fish above and below the culvert. Kevin Stertz replied there is habitat and confirmed it is unknown if there are fish above or below. Tom Iverson commented he drove by the site the previous night and there is quite a significant

disconnect between fish downstream and upstream, and he added Willamette Coastal Cutthroat Trout in the Tualatin basin are not threatened, populations are healthy, and this is not contributing to the population status. Kevin Stertz added Coastal Cutthroat Trout are listed as a sensitive species statewide, but agrees with Tom's assessment within the basin.

From the Chat:

Cash Chesselet (External)

“With the proposed exemption culvert being physically connected to the upstream culvert infrastructure, does the fish passage trigger on this culvert automatically trigger the upstream culvert?” Mac replied that yes, under current rule, a physical connection would, and that with the exemption, it would exempt further upstream barriers. Greg Apke followed up asking Washington County if there is a physical connection. Stephen Cruise replied that yes, there is a physical connection; the pond outlet, 36” private culvert, and private manhole are all connected to the county's existing culvert. Katie Husk provided a satellite image of the site to show where the pond and 36” culvert are to illustrate it is a complicated site. Greg Apke acknowledged it gets complicated when multiple owners have connected structures. Sharon Crowley spoke to the history provided by the landscape nursery owner during a site visit in August 2024. The stream was straightened prior to their purchase of the property. The nursery owner has landscaped the straightened channel, piped the stream around the irrigation pond and into the manhole. Above the 36” culvert, the stream is channelized in a concrete channel where water is diverted to the pond, which ties into another culvert under the driveway before connecting to the straightened channel. The landowner has never observed trout in the stream. The landowner has a legitimate water right. Sharon added she observed 1 sculpin upstream, and the landowner has observed a few crayfish.

Terry Turner voiced his opinion that he leans of the biological assessment and species affected. He commented that Coastal Cutthroat Trout are not in danger, and this is not a particularly good stronghold for this species. He said approving the exemption is warranted, there is no net benefit for fish, and it would cost millions of dollars to reconnect everything and have no increase in fish in this area. He added that we need to prioritize investments. Greg Apke responded the Department takes exemptions seriously, they have a time and place, and this site is so degraded and dysfunctional, the Department is in support of an exemption.

From the Chat:

Cash Chesselet (External)

“So if the upstream culvert is triggered by this action, shouldn't the task force be looking at the entire crossing as a whole as part of this proposal? Should the task force look at the entire culvert complex when determining if it's a net benefit or not?” Greg Apke responded, yes, we did our due diligence, and there is no optimum outcome to fish here. He added if conditions change, the Department can compel changes, but Washington County has an urgent road issue in that it can fail.

Terry Turner called for a motion to accept the exemption as presented. Tom Iverson seconded the motion. 5 members in attendance approved the motion. April Snell (absent) submitted a yes vote prior to the meeting. Zak Toledo recused himself because his employer is associated with the project. Denise Hoffert and Steve Albertelli were not longer participating in the meeting. Chair Turner: The motion is carried, and the exemption is approved.

Bull Trout Recovery - Crater Lake National Park (*Hering, NPS*)

Aquatic Ecologist and Fish Biologist with Crater Lake National Park, David Hering presented his work on the conservation and recovery of ESA Threatened Bull Trout in the Klamath basin. He drew our attention to the paradigm shift that fish barriers are not always bad. In this situation, the barriers that are limiting or blocking passage can aid the recovery of listed fish. The Klamath basin is the southern extent of Bull Trout. Populations are scattered around the periphery of the basin, limited to headwater streams. Limiting factors include habitat degradation, poor connectivity, and non-native trout, especially Brook Trout. Listed as ESA Threatened in 1998, the USFWS provides recovery plan guidance, and the general restoration strategy in the Klamath basin and Crater Lake National Park is to remove the primary threat of non-native Brook Trout through the use of natural and artificial barriers. Bull Trout recovery efforts in Sun Creek were used as an example of how non-native fish are removed upstream of a barrier, and Bull Trout are reintroduced above the barrier. The process has improved connectivity downstream, improving migration. The success of this effort in Sun Creek has prompted the National

Park Service to use this process in Annie Creek, historically Bull Trout habitat. By continuing this effort, Bull Trout migration and recovery is possible in the Klamath basin.

Restoring Fish Passage and Reducing Entrainment in the Upper Klamath Basin (Erdman, TU)

Charles Erdman, Trout Unlimited, gave a presentation of the fish passage and screening projects Trout Unlimited has collaborated on with private landowners, the Klamath Tribes, and public agencies in the Upper Klamath basin. Many of their projects in the Wood River valley included restoration work for Redband Trout and Bull Trout, several screen replacement projects, and fish passage bypass channels. Irrigation diversions identified in the Annie Creek watershed on ODF and private property include flashboard weirs, pushup dams, and wooden dams with no screens or fish passage. Trout Unlimited has restored passage and screened four of these sites utilizing cost share agreements with ODFW to assist in the design and build of new screens and diversions. There continues to be a lot of controversy and conflict in the Klamath basin due to the overallocation of water, and it's a work in progress, but when they're able to make changes that update water infrastructure and provide fish passage, it's a benefit for all.

Priority Screening Projects and Focal Areas in the Klamath Basin (Nordholm)

This informational presentation was postponed due to time constraints.

Not on Agenda – Katherine Nordholm recognized Greg Harris for his time on the Fish Screens Task Force and presented him with a certificate of appreciation. Greg joined the Task Force in 2018 and has served for over 6 years, the last year and half as Chair. Katherine stated Greg deserves way more than a certificate. Greg said it has been eye-opening being on the Task Force, to see differences that can be made, smaller streams versus the Columbia, but it all matters. He added site visits are always a favorite, the John Day was fun, and meeting all the people.

Chair Turner adjourned the meeting at 12:37 PM.

Public Comments Received:

“It seems there is no benefit to including it and that an exemption wouldn't harm fish populations. If my understanding is correct then why bother? If there is any reason, such as an expectation that it would help populations soon than you should not grant an exemption but that doesn't seem to be the case.” – Zohar Wacks 9/6/2024

“Re. the request for waiver to fish passage requirements. It is my view that ANY improvement to habitat is crucial to better their survival and if it means that we as a society take small steps, but do so continuously it will be fortuitous for all in the long haul. I would not be in favor of granting a waiver but would make plans to rid the above stream obstacle ASAP as well.” – Axel Gerber 9/8/2024

“Upon reviewing the findings detailed in the Memorandum from ODFW, it is evident that fish passage through the upper and lower sections of O'Neill Creek has been significantly compromised for an extended period. The presence of coastal cutthroat trout both upstream and downstream of the proposed culvert indicates that passage was not always obstructed. Given this, I do not agree with the request for an exemption. It is crucial to consider additional infrastructure modifications to effectively restore connectivity between the upper and lower reaches of O'Neill Creek and ensure the long-term viability of the fish populations in this watershed.” – Jaime Zaik 9/12/2024

From: Brian Posewitz <brian@waterwatch.org>
Sent: Friday, September 27, 2024 3:46 PM
To: BARR Charles M * ODFW <Charles.M.Barr@odfw.oregon.gov>
Subject: Fish Passage Exemption Application - Old Highway 47/O'Neil Creek

Hi Mac,

Thank you for the opportunity to comment on the above fish passage exemption request from Washington County.

We appreciate the detailed information, including photographs, in the exemption application and ODFW analysis. The circumstances described in the application and the ODFW analysis indicate the requested exemption may be

appropriate. We appreciate the citation to the recently adopted definition of “no appreciable benefit” in OAR 635-412-0035(35). It would be helpful if the ODFW analysis also included a discussion, pursuant to the definition, of whether circumstances related to the requested exemption (primarily other existing fish passage barriers) could foreseeable change (or not) in the next seven years.

We were pleased to see from the application that the culvert replacement will be designed in such a way that the culvert can be modified in the future to provide fish passage if fish passage barriers immediately upstream are removed.

Thank you for considering our comments.

Regards,

Brian Posewitz, Staff Attorney
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