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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DOUGLAS

STATE OF OREGON, acting by and through the
OREGON DEPARTMENT OF FISH AND
WILDLIFE and the STATE FISH AND
WILDLIFE COMMISSION,

Plaintiff,

v.

WINCHESTER WATER CONTROL DISTRICT,
TERRAFIRMA FOUNDATION REPAIR, INC.,
an Oregon corporation, and DOWL, LLC, a
Delaware limited liability company,

Defendants.

Case No.

COMPLAINT

Unlawful Killing of Fish – ORS 496.705
Negligence, Negligence *Per Se*, Public
Nuisance, Conversion, Trespass to Chattel

(Not Subject to Mandatory Arbitration)

(Plaintiff not required to pay filing fees in
advance – exempt per ORS 20.140)

Claim: \$27,585,000.00

Plaintiff alleges:

PARTIES

1.

Plaintiff is the State of Oregon, acting by and through the Oregon Department of Fish and
Wildlife (“Department” or “ODFW”) and the Fish and Wildlife Commission (the “Commission”).

2.

Defendant Winchester Water Control District (“WWCD”), has its principal place of
business at Winchester, Douglas County, Oregon, 97495. WWCD was identified as the
responsible party in the Oregon Fish Passage Permit Application (“FPPA”) and Rescue Salvage
Authorization 27400 (“RSA”) issued by ODFW for the Winchester Dam repair project.

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3.

Defendant TerraFirma Foundation Systems, Inc. (“TerraFirma”), is an Oregon corporation with its principal place of business at 761 NE Garden Valley Blvd, Roseburg, OR 97470. TerraFirma contracted to perform the Winchester Dam repairs.

4.

Defendant DOWL, LLC (“DOWL”), is a Delaware limited liability company with its principal place of business located at 8410 154th Ave., Suite 120, Redmond, WA 98052. DOWL was engineer of record on the Winchester Dam project and managed the fish salvage effort.

FACTS COMMON TO ALL CLAIMS

5.

Wildlife is the property of the State of Oregon. ORS 498.002(1).

6.

ORS chapters 496, 497, 498 and 501 constitute the state’s “Wildlife Laws.” ORS 496.002. The wildlife laws define “wildlife” to include fish. ORS 496.004(19).

7.

It is the policy of the State of Oregon that wildlife shall be managed to prevent serious depletion of any indigenous species and to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of this state. ORS 496.012.

8.

The Director, subject to the policy direction of the Commission, administers and enforces the Wildlife Laws of the State of Oregon. ORS 496.118(1)(c).

9.

Under the Wildlife Laws, “[n]o person shall * * * take or possess * * *, or assist another in * * * taking * * * or possessing any wildlife in violation of the wildlife laws or of any rule promulgated pursuant thereto.” ORS 498.002(1).

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10.

The Wildlife Laws define the term “take” to mean “to kill or obtain possession or control of any wildlife.” ORS 496.004(16).

11.

The Wildlife Laws also provide that “no person shall * * * take * * *, or assist another in * * * taking, * * * any wildlife unless the person has in possession such valid * * * permits therefor as the State Fish and Wildlife Commission issues.” ORS 497.075(1).

12.

The Wildlife Laws also prohibit anyone from removing from its natural habitat any live wildlife, including fish, except in accordance with the Wildlife Laws or rules or Department authorization. ORS 497.308(1); OAR 635-044-0430(1).

13.

Only the Commission, the Director, or their authorized agents have the authority to issue licenses, tags, or permits to take wildlife. ORS 496.118(1) (“Subject to policy direction by the State Fish and Wildlife Commission, the State Fish and Wildlife Director shall: (c) Administer and enforce the wildlife laws of the state.”); ORS 496.002 (“ORS chapters 496, 497, 498 and 501 may be cited as the wildlife laws.”); see also ORS 497.022 (“The State Fish and Wildlife Commission may appoint agents to issue any of the licenses, tags or permits the commission is authorized by law to issue.”).

14.

During construction of fish passage structures and periods when temporary artificial obstructions are in place, entities that own or operate artificial obstructions in state waters, such as dams, must obtain approval from the Department for the safe collection of and removal of wildlife species from the construction site or de-watered reach, and placement into the flowing stream outside of the areas of project impacts. OAR 635-412-0035(10)(e).

////

1 **THE PROJECT**

2 15.

3 Winchester Dam was built in 1890 and is a 450-foot-long structure that completely spans
4 the North Umpqua River. In 1907, it was raised from four to sixteen feet, and a fish ladder was
5 added on the north side of the dam in 1945. The dam was the primary source of water and
6 hydroelectricity for the City of Roseburg until 1923. The hydroelectric power generating
7 facilities were removed in the 1960s and the dam’s current primary purpose is to provide
8 watersport recreation. The dam is privately owned and controlled by WWCD, which is the
9 homeowners’ association governing the commonly owned portions of the dam community
10 including the dam, lake, and fish ladder.

11 16.

12 WWCD submitted an FPPA and supporting documentation to the Department on October
13 18, 2022, for proposed repairs to Winchester Dam. TerraFirma was contracted to perform the
14 dam repairs. DOWL was contracted to manage the fish rescue and salvage operation.

15 17.

16 The Department determined that the repairs described in the FPPA would temporarily
17 dewater and close the fish ladder. Consequently, WWCD applied for and was given a Fish
18 Passage Authorization on December 29, 2022, subject to terms and conditions to prevent harm to
19 affected species, which included, but were not limited, to:

20 Prior to the Winchester Dam drawdown and dam repairs, the WWCD will complete fish
21 salvage and relocation measures, including rescue and salvage within the fish ladder.

22 18.

23 WWCD applied for and was given an RSA by the Department to conduct fish rescue and
24 salvage for the Project on July 27, 2023. Exhibit 1.

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19.

The RSA’s terms and conditions required WWCD to make a sufficient effort to prevent a fish kill and to document its compliance with the allowable take limits, which were the lesser of 10 percent of juvenile Lamprey present at the site or 30,000 mortalities during the period of authorization. Additionally, salvage efforts were required to be made throughout the entire project area from the commencement of the drawdown through completion of the repairs.

20.

The Department specifically advised WWCD that it should be prepared for a significant salvage effort in the entire dewatered area (approximately 1.5 miles upstream on both shorelines) for the entire permitted drawdown period of August 7-28, 2023, because Lamprey were expected to emerge throughout the duration of the repair project. In particular, adults were likely to be present at, in, and below the dam and fishway, and juveniles were expected to be at the highest concentration above the dam near the north and south shore bends above the dam. WWCD was also advised that juvenile Lamprey were most likely to be in the substrate and may not emerge immediately after dewatering.

21.

TerraFirma began the drawdown at or around midnight on August 7, 2023. By 8:34 am, ODFW employees observed approximately 10 people involved in fish salvage. Fish were stranded in the exposed sediment and by 8:55 am, there were already stranded and dead fish below the fish ladder. ODFW employees advised the Defendants about concerns over inadequate salvage efforts by 11:57 am.

22.

On August 8th, ODFW employees observed approximately 25 contract and volunteer crew salvaging. However, there were still large portions of the dewatered area that were not being salvaged. The ODFW employees demanded an immediate response from the Defendants
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1 by email at 11:30 am. By that time, there were already thousands of dead fish observable
2 throughout the Project area.



20 23.

21 By August 9th, the ODFW employees concluded an emergency salvage operation was
22 necessary because Defendants' inadequate efforts had resulted in an unacceptably high fish
23 mortality rate. ODFW employees were recruited from around the west side of the state, from
24 Tillamook to Gold Beach, to assist with the salvage efforts. Volunteers also came from the U.S.
25 Fish and Wildlife Service, the Bureau of Land Management, the U.S. Forest Service, and the
26 Cow Creek Band of the Umpqua Tribe of Indians.

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24.

Over the course of the repair project, ODFW employees observed daily that salvage efforts were insufficient to adequately cover the extent of the dewatered area. Defendants focused most of their salvage efforts on the fish ladder and below the dam, leaving the dewatered area above the dam largely unsalvaged.

25.

The failure of the Defendants to institute an adequate salvage program directly resulted in the loss of approximately 550,000 Lamprey¹ during the repair project, which exceeded the incidental take limit.

FIRST CLAIM FOR RELIEF
(Unlawful Killing of Fish – ORS 496.705)

26.

The Department incorporates by reference all paragraphs of this complaint set out above as if fully set forth herein.

27.

Pursuant to ORS 496.705(1), the Department may institute suit for the recovery of damages for the unlawful taking or killing of any of the wildlife referred to in subsection (2) of the statute, which are property of the state.

28.

Pacific Lamprey (*Entosphenus tridentatus*) are indigenous to the North Umpqua River and are a protected species under the Wildlife Laws. OAR 635-400-0430(1)(c)(O).

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¹ The estimated 550,000 Lamprey figure takes into account the incidental take allowed by the permit.

1 29.

2 Pursuant to ORS 496.705(5), this court has “jurisdiction to try any case for the recovery
3 of damages for the unlawful taking or killing of any of the wildlife as provided by this section.”

4 30.

5 On or about August 7, 2023, Defendants initiated a drawdown of the reservoir created by
6 Winchester Dam.

7 31.

8 As a result of the drawdown, fish rescue and salvage efforts were required by the terms
9 and conditions of the RSA.

10 32.

11 Defendants failed to heed ODFW’s warning to prepare for the rescue and salvage of a
12 large number of Lamprey that would emerge from the sediments within the dewatered areas.

13 33.

14 Defendants’ failure to employ an adequate fish rescue and salvage operation required by
15 the terms and conditions of the RSA resulted in the unlawful killing of approximately 550,000
16 Lamprey.

17 34.

18 Pursuant to ORS 496.705(2)(a)(S), the Department may seek recovery of \$50 for “[e]ach
19 specimen of any wildlife species otherwise protected by the wildlife laws or the laws of the
20 United States, but not otherwise referred to in this subsection.” The approximately 550,000
21 Lamprey killed has generated approximately \$27,500,000.00 of damages to the state.

22 35.

23 Pursuant to ORS 496.705(3), the Department also seeks an award of its costs,
24 disbursements, and reasonable attorney fees.

25 ////

26 ////

1 **SECOND CLAIM FOR RELIEF**

2 **(Common-Law Negligence – Count One)**

3 36.

4 The Department incorporates by reference all paragraphs of this complaint set out above
5 as if fully set forth herein.

6 37.

7 Defendants had a duty to use reasonable care to prevent the killing of fish in the initiation
8 and/or management of the drawdown of the reservoir at Winchester Dam, including permit-
9 mandated rescue and salvage of Lamprey.

10 38.

11 Defendants breached their duty by failing to institute a fish rescue and salvage program
12 that was adequate to meet the terms and conditions of the RSA. The breach of duty was the
13 direct and proximate cause of the fish kill at Winchester Dam.

14 39.

15 Defendants' failure to institute an adequate fish salvage effort created a foreseeable and
16 unreasonable risk of killing fish, particularly in light of ODFW's warning to expect a large
17 number of Lamprey.

18 40.

19 Because the fish killed during the repair project were the property of the State of Oregon,
20 the Department, as the state agency tasked with enforcing the wildlife laws, belongs to a class of
21 persons who might be foreseeably injured by the acts or omissions of the Defendants.

22 41.

23 Separately and independently, the Department is entitled to a presumption and inference
24 of negligence under the doctrine of *res ipsa loquitur* because (1) the fish kill during this repair
25 project is an incident of the kind that does not ordinarily occur in the absence of someone's
26 negligence; (2) employees and/or agents of the Defendants planned, initiated, and/or managed

1 the water drawdown at Winchester Dam, making it more probable than not that the negligence
2 was that of the Defendants; and (3) the Department did not cause the killing of the fish.

3 42.

4 The negligent acts and omissions of the Defendants were the factual cause of the illegal
5 killing of 550,000 Lamprey. The fish were the property of the State of Oregon and had a
6 collective value of more than \$27,500,000.00. Additionally, ODFW expended resources that
7 were proximately caused by the negligence of the Defendants, including costs associated with
8 salvage, oversight, and monitoring totaling approximately \$85,000.00.

9 **(Negligence *Per Se* – Count Two)**

10 43.

11 The Department incorporates by reference all paragraphs of this complaint set out above
12 as if fully set forth herein.

13 44.

14 Negligence *per se* requires proof that (1) defendants violated the subject statute or rule;
15 (2) plaintiff was injured as a result of that violation; (3) plaintiff was a member of the class of
16 persons meant to be protected by the statute and rules; and (4) the injury plaintiff suffered was of
17 a type that the statute and rules were enacted to prevent. *Buoy v. Soo Hee Kim*, 232, Or App 189,
18 204 (2009) (citing *McAlpine v. Mult. Co.*, 131 OrApp 136, 144 (1994), *rev. den.*, 320 Or 507
19 (1995)).

20 45.

21 The terms and conditions of the RSA limited WWCD to an incidental take of the lesser of
22 10 percent of juvenile lamprey present and tallied at the site or 30,000 fish mortalities for the
23 entire duration of the repair project. All fish killed by the Defendants, beyond the permitted
24 incidental take, violated ORS 497.075(1), ORS 498.002(1), and ORS 497.308(1), which prohibit
25 the taking of any wildlife, or removal from its habitat, without compliance with the proper
26 permit(s) issued by the Department.

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46.

Wildlife is the property of the State of Oregon, pursuant to ORS 498.002(1). The fish kill orchestrated by the Defendants because of their failure to comply with the terms and conditions of the RSA caused harm by unlawfully depriving the state of its property.

47.

The State of Oregon was a member of the class meant to be protected by ORS 487.075(1), ORS 498.002(1), ORS 497.308(1), and the Wildlife Laws generally because those laws were designed to protect the state’s property interest in wildlife.

48.

The purpose of ORS 487.075(1), ORS 498.002(1), ORS 497.308(1), and the Wildlife Laws was to protect the state’s interest in wildlife and prevent the unsanctioned, illegal taking of the state’s property.

49.

Fish were killed as a direct result of the Defendants’ negligence and violation of the above statutes, regulations, and permits issued thereunder. Consequently, the State of Oregon was deprived of property with a collective value of more than \$27,500,000.00.

THIRD CLAIM FOR RELIEF
(Public Nuisance)

50.

The Department incorporates by reference all paragraphs of this complaint set out above as if fully set forth herein.

51.

A public nuisance is an unreasonable interference with a right that is common to all members of the public. *Drayton v. City of Lincoln City*, 244 OrApp 144, 148 (2011).

52.

Wildlife, including fish, is property of the State of Oregon and its citizens.

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53.

The failure of Defendants to employ an adequate fish salvage effort unlawfully deprived the state and its citizens of approximately 550,000 Lamprey, which were public property.

54.

The State, through the Commission, has the obligation to prosecute public nuisance cases on behalf of the State.

55.

The actions, and omissions, of the Defendants with respect to the unlawful killing of 550,000 Lamprey constituted an unreasonable interference with public property and public rights. As a consequence, the State of Oregon sustained property damage in an amount in excess of \$27,500,000.00.

**FOURTH CLAIM FOR RELIEF
(Conversion)**

56.

The Department incorporates by reference all paragraphs of this complaint set out above as if fully set forth herein.

57.

Conversion is an intentional exercise of dominion or control over a chattel which so seriously interferes with the right of another to control it that the actor may justly be required to pay the other full value of the chattel. *Becker v. Pacific Forest Industries, Inc.*, 229 Or App 112, 116 (2009). Determining the seriousness of the conversion requires consideration of the actor’s exercise of dominion or control, intent to assert a right inconsistent with the other’s right of control, the actor’s good faith, the extent and duration of the interference with the other’s right of control, the harm done to the chattel, and the inconvenience and expense caused to the other. *Id.*

58.

Fish are the property of the state, pursuant to ORS 498.002(1).

1 **FIFTH CLAIM FOR RELIEF**

2 **(Trespass to Chattel)**

3 64.

4 The Department incorporates by reference all paragraphs of this complaint set out above
5 as if fully set forth herein.

6 65.

7 Trespass to chattel is the disturbance of another's possession of property. *Morrow v.*
8 *First Interstate Bank of Oregon, N.A.*, 118 Or App 164, 168 (1993).

9 66.

10 Fish are the property of the state pursuant to ORS 498.002(1).

11 67.

12 Defendants interfered with and disturbed the state's ownership interest in its fish by
13 drawing down the reservoir at Winchester Dam and substantially altering fish habitat.

14 68.

15 By failing to employ an adequate fish salvage program, Defendants deprived the state of
16 its property because the fish left in the de-watered area of the reservoir died.

17 69.

18 Notwithstanding the warning from the state to expect a substantial number of Lamprey
19 and to ensure adequate salvage efforts were arranged, Defendants failed to take sufficient action.
20 The failure to act occurred throughout the duration of the repair project such that volunteers had
21 to be recruited from state and federal agencies, as well as the Cow Creek Band of Umpqua Tribe
22 of Indians, to assist with salvage. Such a lackadaisical approach to fish salvage demonstrated the
23 bad faith of Defendants in meeting their respective obligations to preserve the state's property.

24 70.

25 The state is permanently deprived of the 550,000 Lamprey that were killed at Winchester
26 Dam as well as any future production that would have resulted from those fish.



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

www.dfw.state.or.us/

Applicant: Ryan Beckley
Title: Winchester Water Control District - Board Chair
Organization: Winchester Water Control District

Authorization Number: 27400
Project Title: Winchester Dam Repairs
Dates Valid: Issuance Date (7/27/23) through 8/28/2023



Federal Authorization: NMFS Section 7 BiOp #WCRO-2022-02717, Issued 07/20/2023 - Oregon Coastal Coho

Responsible Party: Winchester Water Control District (WWCD)
Principal Investigator: David Dekrey
Co-Investigator(s): Lee Todd Alsbury, Ryan Beckley, Austin Bloom, Benjamin Briscoe, Andy Clodfelter, George Collins, Gina Maag-Klobas, James Stupfel, Gregory Swenson, Dan Thew, Julia Tier, Michael Zenthoef

PI Signature: _____ CI Signature(s): _____

State Authorization: The Department's authority to issue this authorization and associated terms and conditions includes but is not limited to ORS 496.009, 496.012, 497.308, 498.042(3), 506.036, 509.585(7)(c), 509.600 and OAR 635-007-0503, 635-007-0600, 635-410-0005, 635-410-0015, 635-410-0030, 635-043-0051, 635-044-0430, 635-059-0000, 635-410-0010, 635-412-0035, 635-500-0200, 635-500-6500, 635-500-6780, 635-500-6775, Accord [635-007-0910], Accord [635-007-0920].

The Project site has high concentrations of indigenous species with unique life history traits that require consideration during salvage activities. This authorization and the associated Terms and Conditions are needed to:

- Provide the Responsible Party with the authorization needed from ODFW to take, transport and release fish for rescue salvage projects.
- Protect Umpqua water resources, fish, wildlife, and their habitat from harm due to the introduction and/or spread of aquatic invasive species.
- Prevent serious depletion of indigenous species that are present in the project area by:
 - Ensuring that proper handling and release procedures are in place to reduce stress and avoid mortality of captured fishes.
 - Ensuring project activities allow for sufficient time for juvenile lamprey to volitionally migrate out of the area before being stranded.
 - Ensuring that salvage is occurring over the entire period of authorization when fish are expected to be present to prevent mortality.
 - Prevent loss of downstream surface water to avoid fish kill or fish stranding during re-watering.
- Avoiding wasting of game fish.
- Determine whether sufficient effort is being expended to prevent a fish kill and document compliance with the allowable take limits in Term and Condition #18 and 19 since there is high potential for a fish kill given the site characteristics.
- Provide data that are used by ODFW for management and monitoring and annual reports that are required by all ODFW scientific take and rescue/salvage authorizations.

Oregon Department of Fish and Wildlife (ODFW) Terms and Conditions (T&C) listed here (#1-23, below) supersede those proposed by Responsible Party in APPS application. Responsible Party must adhere to all T&C within this authorization during completion of work authorized under the ODFW Fish Passage Approval and during all periods in which fish are present and require salvage to prevent mortality. All ODFW T&Cs shall be adhered to for all project activities below the ordinary high-water line (defined in OAR 635-412-0005) where fish are present. Project must

have all other applicable federal, state, or local agency permits, authorizations and approvals in place before starting in-water work on the project.

Attachment 1= Winchester Dam Daily Count Data Form – for ODFW

Terms and Conditions of This Authorization:

The purpose of these T&Cs is to protect fish populations present at the site and avoid serious depletion of indigenous species as a result of construction activities.

General Terms and Conditions

1. The Responsible Party shall at all times observe and comply with all federal, state and local laws, regulations, permits or authorizations issued thereunder. ODFW's approval of the capture, holding, and release of wildlife subject to the T&Cs outlined in this authorization does not guarantee that the Responsible Party's actions are lawful under the federal ESA. Compliance with the following T&Cs is not in lieu of compliance with any federal requirements related to the federal Endangered Species Act. Permission to handle, hold, and observe fish in areas where federally protected fish may occur is contingent upon the Responsible Party obtaining necessary authorization from the appropriate federal agency and acting in accordance with the conditions established by the federal government. If a condition on this authorization conflicts with a condition on a federal permit or authorization, then the Responsible Party must comply with the more restrictive condition.
2. This authorization is not transferable and must be carried while collecting.
3. Persons not named on the authorization may assist in collecting only while accompanied by the Principal Investigator or Co-investigator(s) listed above.
4. Access to private property is contingent on landowner permission. This authorization does not authorize trespassing.
5. This authorization is not valid in any refuge, park, city, wildlife area, or area closed to collection without written approval of manager or administrator.

Period of Authorization

6. This authorization is valid for the period Issuance Date (7/27/23) through 8/28/2023.

Salvage; Handling; and Release

7. All fish and shellfish that are affected by any and all project activities shall be salvaged throughout the entire project area (whether isolated or not) from the commencement of drawdown until refill of the area is complete. This also includes salvaging all fish out of dewatered substrate prior to adding aggregate for temporary access roads. The Responsible Party should be prepared for a significant salvage effort in the entire dewatered area (~1.5 miles in linear distance upstream of the dam on both dewatered shorelines) as lamprey ammocoetes are expected to emerge throughout the duration of the project while the area is dewatered. Fish salvage activities must be supervised by a fisheries biologist experienced with work area isolation to ensure safe handling of all fish.
8. Reservoir drawdown rate shall be no more than two inches per hour over at least 2-3 days. Drawdown must be timed to allow for maximum effort to salvage fish.
9. All gear used for fish capture, holding, and transport shall be cleaned and allowed to completely dry prior to and following fish rescue/salvage on this project to prevent the spread of invasive species.
10. Salvage of Lamprey
 - a. Given the extent of the dewatered area and potential delayed emergence from dewatered substrate, lamprey are expected to require salvage for the entire duration of dewatering and throughout the period of drawdown (Aug 7-28, 2023) and until refill is complete over the entire area. The Responsible Party shall salvage lamprey during this period as necessary and Responsible Party should be prepared for a significant salvage effort in the entire dewatered area. Adults are likely to be present at, in, and below the dam and fishway during the initial drawdown. Juveniles are likely to be present in highest concentrations in the area above the dam near the north shore and on the south shore bend above the dam.
 - b. Juvenile lamprey will be in the substrate and may or may not emerge immediately when an area is dewatered. Backpack electrofishing must be conducted in all project areas prior to, during, and after dewatering to collect lampreys for salvage; electrofishing may be less effective in some areas and hand collection may be more successful. When electrofishing:
 - i. Only lamprey-specific electrofisher "tickle settings" shall be used (see Appendix C in the Lamprey Best Management Guidelines (BMGs) <https://www.pacificlamprey.org/wp-content/uploads/2022/10/BMGs-for-Native-Lampres-During-In-Water-Work-Final-Updated-2022-2.pdf>;
 - ii. Electrofishing must include a minimum effort rate of 60 seconds/square meter (60 seconds/10.8 square feet);

- iii. Multiple passes must be made through areas with lamprey; and
- iv. After dewatering, 'dry shocking' (i.e., positioning the cathode and anode directly on the dewatered, moist river substrate and shocking using lamprey "tickle settings") must be conducted to help get more lamprey to escape the substrate and be available for netting/picking up.
- v. Use fine mesh nets and scoops (< 750 micron preferably) to minimize loss of young-of-year and small larvae.

The proposed use of a membrane/tarp near the spill gates (based on additional information in USACOE Permit NWP-2018-505-1) may limit the ability of lamprey juveniles to emerge and migrate out of the project site. Additionally, the membrane/tarp may be prone to being dislodged and impact survival of other species. The Responsible Party must consider these factors and their potential impact on mortality of fish at the site.

- c. In addition to holding conditions outlined in T&C #12 of this authorization the following lamprey specific holding conditions apply:
 - i. Maintain > 10 cm gap between water surface and top of containers or use other types of barrier – juvenile lampreys can climb and escape similar to adult lamprey.
 - ii. Utilize laundry mesh baskets with fine mesh opening (< 750 micron) for holding all sizes of larvae in flow-through water during salvage and can fit inside garbage bins for transfer and quick transfer to release site.
 - iii. Place a non-abrasive cover (such as cotton string mop head or dense conifer branch in holding containers to give exposed larvae cover and reduce stress.
 - iv. Holding densities must not exceed those identified in Table 3 of the BMG's for Native Lamprey (<https://www.pacificlamprey.org/wp-content/uploads/2022/10/BMGs-for-Native-Lampres-During-In-Water-Work-Final-Updated-2022-2.pdf>)

11. Salvage of Other Fish Species

- Coho salmon: Shall be salvaged per NMFS BiOp WCRO-2022-02717.
- Fish (other than lamprey or coho): When possible, fish can be excluded from isolated work areas using block nets prior to salvage. Fish shall be salvaged by electrofishing (where no coho are present), seining, hand, or dip net. Handle all fish with extreme care, keeping fish in water to the maximum extent possible during capture and transfer procedures to prevent the added stress of out-of-water handling. Electrofishing shall only be conducted when a biologist with appropriate electrofishing experience is on site to conduct or direct all activities associated with capture attempts. Appropriate experience includes knowledge about electrofishing including the interrelated effects of voltage, pulse width and pulse rate on fish species and associated risk of injury/mortality, knowledge, and abilities to recognize symptoms associated with galvanotaxis, narcosis, and tetany, and their respective relationships to injury/mortality rates.
- Mussels: Shall be salvaged following Best Management Practices consistent with pages 55-64 of "Conserving the Gems of Our Waters" published in 2018 and available at: <https://xerces.org/publications/guidelines/conserving-gems-of-our-waters>

12. Prior to release, all species must be held in fresh, cool, aerated water in a darkened and covered container where holding densities must not result in overcrowding which may cause depletion of oxygen below safe levels for fish survival. Large fish shall be kept separate from smaller fish to avoid predation during containment. The temperature of the water must be maintained within two degrees Fahrenheit of the receiving waterbody to reduce stress.

13. Fish and shellfish shall be released as soon as possible after capture as follows:

- a. Adult lamprey- Shall be placed in closest suitable oxygenated and flowing water downstream of dam.
- b. Juvenile Lamprey- Any juvenile lamprey salvaged above the dam shall be placed in closest suitable oxygenated and flowing water above the dam. Juveniles that are salvaged below the dam shall be placed in closest suitable oxygenated and flowing water downstream of the dam. Amacher Boat Ramp is a recommended easy spot for access and release.
- c. Mussels- Shall be placed at a location just below the dam on the south bank, between the bank and small island in the existing mussel bed area.
- d. Other Fish Species-
 - i. Any adult salmonid which is salvaged in the fishway during drawdown and/or while suitable oxygenated and flowing water is connected to the ladder shall be placed immediately above the ladder.
 - ii. All other fish species salvaged above the dam shall be placed in closest suitable oxygenated and flowing water above the dam. All other fish salvaged in the fishway or below the dam shall be placed in closest suitable oxygenated and flowing water downstream of the dam.

14. Avian predators shall be hazed as needed to minimize predation on fish. Methods may not include harassment and may only include using squawk boxes or predator decoys, or both. Compliance with this T&C is not in lieu of compliance with any federal requirements related to the federal Endangered Species Act.
15. Project shall have sprinklers equipped with fish screening consistent with current ODFW standards and Responsible Party must have hay/straw bales available on site and ready to use in all areas where lamprey ammocoetes may be exposed as determined necessary by ODFW. Sprinklers and hay/straw bales are not to be considered an alternative to salvage and the potential use of sprinklers to reduce stress while salvage is ongoing shall be coordinated with ODFW prior to sprinkler use. For more background, see page 12 of the Lamprey BMGs. The Lamprey BMGs also discuss other ways to protect larvae from desiccating or being eaten by predators (e.g., covering areas that cannot be immediately salvaged with hay/straw, mesh, sticks, or grass and/or providing refuge holes).
16. All non-indigenous game fish may be euthanized and not released after capture (please put on ice and transfer to ODFW).
17. Reservoir refill rate shall be no more than one inch per hour. Refill rate shall be adjusted in consultation with ODFW if there are negative downstream impacts.

Allowable Take

18. The numbers by species detailed in the APPS take table (attached below) are totals for the period of authorization. If project approaches the authorized take or mortality amounts for any species, Responsible Party/PI shall contact ODFW District Fish Biologist (Roseburg office: 541-440-3353) immediately.
19. ODFW estimates between 30,000 and 3.2M juvenile lamprey may be present at site. Juvenile lamprey mortality shall not exceed the lesser of either 10% of juvenile lamprey present and tallied at the site (per T&C#22) or a maximum of 30,000 mortalities during the period of authorization.

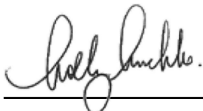
Compliance Monitoring; Site Access; and Notifications

20. Rescue/salvage must be coordinated with local ODFW District Fish Biologist (Roseburg office: 541-440-3353). Oregon State Police must also be notified prior to rescue/salvage preferably by contacting local offices http://www.oregon.gov/osp/Pages/contact_us.aspx or Southern (541-776-6111) non-emergency dispatch after hours.
21. ODFW shall be allowed access to the project at reasonable times for the duration of this approval and unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours, including weekends. Access is needed for the purpose of monitoring and evaluating the fish population, assessing compliance with the T&Cs of this authorization, and advising on additional actions to avoid harm to wildlife. Access shall be allowed to all areas where the capture, holding, or release of wildlife may be appropriate, as well as where repair activities will occur, or are occurring, or in all areas below the ordinary high-water line (defined in OAR 635-412-0005) that the Department determines may be affected by repair activities.

Reporting:

22. All fish and shellfish that are salvaged or observed (live or dead) throughout the entire project area shall be recorded by Responsible Party and tallied daily during project's period of authorization. All salvage crews of Responsible Party shall independently record the amount of effort (minutes and area) electrofishing and via other methods conducting salvage efforts daily as well as recording the number of fish by species salvaged per day. This information shall be reported to ODFW staff using the attached form (Attachment 1) and emailed to Greg.F.Huchko@odfw.oregon.gov at the end of each day.
23. An annual activity/collection report associated with this authorization must be submitted to ODFW by October 1, 2023 via <https://apps.nmfs.noaa.gov/>. All fish and shellfish must be recorded in the annual report.

ISSUED BY:



ISSUED DATE: 7/27/23

Endangered Species Act Specialists
 Holly Huchko Michele Weaver
 (541) 464-2185 (503) 947-6254

Distribution: Beckley- WWCD; DeKrey-DOWL; Fish Research, G.Huchko, Leonetti, Clemens, Stahl, Clemens, Gregory, Clements- ODFW; Marriott- DOJ

2023 Winchester Dam Daily Count Data Form – for ODFW

Location (starting and ending GPS): _____
 Sampling Area Size (m²): _____
 Date: _____
 Crew Lead: _____
 Crew: _____
 Water Temp in F (min and max): _____
 *Visibility: _____
 E-fisher Settings: _____
 Total E-fishing Time (Seconds): _____
 Total Effort (Minutes): _____

	Species	Juvenile or Adult	Number Salvaged		Number Observed	
			Live	Mortalities	Live	Mortalities
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
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22						
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26						
27						
28						
29						
30						

*Visibility is on a scale from 1-3. 1 equates to being able to see clearly to the bottom, 3 is completely obscured.



Authorizations and Permits for Protected Species (APPS)

File Number: 27400

Applicant/Holder

Name: Ryan Beckley
Title: Board Chair
Affiliation: Winchester Water Control District
Address: 13110 SW Wall St.
City,State,Zip: Tigard, OR 97223
Phone Number: (541)784-8300
Email: RBeckley@terrafirmafs.com

Project Information

File Number: 27400
Application Status: Application Complete - Issued
Project Title: Winchester Dam Repairs
Project Status: New
Previous Federal or State Permit/Authorization:
Permit/Authorization Requested: • Oregon Rescue/Salvage Authorization - Issued
Where will activities occur? Oregon (including Columbia River and offshore waters)
State department of fish and game/wildlife: N/A
Research Timeframe: Start: 07/27/2023 End: 08/28/2023
Sampling Season/Project Duration: The project will occur in one season.
Project Type: Rescue/Salvage

Project Description

Purpose: The proposed project will undertake maintenance work to repair the existing structure and provide long-term solutions that allow the dam to continue to function in line with state dam safety requirements. No changes to the dam height, footprint, or operation are proposed.

Description: A fish passage plan approval has been issued by ODFW. The fish passage plan is too large to attach in APPS and on file at Fish Research and Roseburg district (ODFW).

Repairs to the dam will occur in two phases. The Southern Repairs include repairs near the south power building/spillway gates. A permanent sheet pile cutoff wall will be used for temporary water management in upstream of the gates before the sheet piles are cut off. The Northern Repair work will consist of work on the timber portion of the dam and partial removal of the exposed concrete paving above the south power building. The Northern Repairs include lowering water levels above and below the dam to expose the upstream and downstream work areas. The Northern Repairs will be performed during low water with the reservoir behind the dam lowered between 4 – 8 feet to expose the structure. The use of temporary cofferdams and water management systems will allow sufficient dewatering of the downstream face for repairs. After the Northern Repairs are complete, water levels will be returned to pre-work levels. While dewatered, the dam face will be repaired and re-inforced with concrete and a steel lattice. Voids in the existing dam will be filled with polyurethane foam. Polyurethane foam is injected into voids as a two-part polymer that mixes at the nozzle of the gun. Cure times can range from five seconds to one minute and are adjusted by controlling the liquid temperature and altering the chemical makeup. As the foam cures, it expands, effectively filling voids. The proposed product is Uretek brand deep injection (UDI) foam, which is a lightweight, expansive geo-polymer material. The polymer is certified for conforming to the requirements of NSF/ANSI Standard 61, Drinking Water System Components – Health Effects. This is the standard that establishes minimum health effect requirements for materials, components, products, or systems that contact drinking water, drinking water treatment chemicals, or both by NSF International. In general terms, NSF 61 Certification means that UDI is safe to use around potable water. Once cured, the foam is durable, resists erosion, and breaks down only from UV light. There will be no erosive force against the foam inside the voids of the dam, as the foam will preclude the movement of water through the dam and no foam is expected to “daylight” on either the upstream or downstream side of the dam. The north repairs and repairs to the dam face will take three weeks.

At the south end of the dam, upstream of the former power house, a sheetpile wall will be installed, concrete will be placed within the sheet pile cofferdam, and then the sheet piles will be cut off flush with the new concrete. This work will address the critical issue of subsurface water migration below the southern portion of the dam and south powerhouse.

Fish salvage will occur during and after reservoir draw down for the northern repair work. Fish salvage personnel will be present on-site for the duration of the drawdown period as described in the methods section of this application.

Supplemental Information

Methods:

As described previously, there are two distinct phases of construction- northern repairs (requires reservoir dewatering via spill gate opening) and southern repairs (work within a sheet pile cofferdam at normal pool elevation). For the southern repairs, fish and aquatic invertebrate salvage will occur within the sheet-pile cofferdam as soon as it is completed and the spill gates have been opened to release the water in the cofferdam isolation area. Fish will be salvaged from any remaining pools within the cofferdam using first seines, followed by electrofishing passes.

During reservoir draw down for the northern repairs, we anticipate large numbers of fish, including both adult and juvenile lamprey. Adult lamprey are expected to be holding within the dam, and will emerge as water levels drop. Juvenile lamprey (ammocoetes) are expected to be present in sediments above the dam that will be exposed as reservoir levels decrease. Fish and aquatic invertebrate (crayfish and mussel) salvage is anticipated to progress as follows:

1. Previously identified lamprey beds upstream of the dam will become exposed as the reservoir pool elevation is lowered. The water level in the dam will be lowered slowly as further described below.
2. As soon as the water stops flowing over the dam crest, crews (equipped with cotton gloves) will salvage adult lamprey by hand from the rocks and surface of the dam as they become apparent. Care will be taken to examine all areas of the dam face, inside the crib work, in exposed bedrock crevices downstream of the dam face, and in the fishway to salvage lamprey.
3. Concurrent with adult lamprey salvage, crews will salvage fish from within the fish ladder using dip nets, and will salvage fish from pools downstream of the dam as they become

isolated. Salvage of other fish within contained areas (within the sheet pile cofferdam on the north, and within isolated pools and bulkbag cofferdam along the face of the dam) will be conducted using seines and/or a back pack electrofisher.

4. All fish salvaged from below the dam will be placed in the nearest flowing, oxygenated water downstream of the dam. Fish salvaged from inside the ladder will be placed immediately above the dam, outside of the area that experiences increased velocities near the gates.

5. The water level behind the dam will be carefully managed to slowly recede. The goal of reservoir draw-down will be a rate of two inches per hour to expose the known lamprey bed over the course of two to three days.

6. Sprinklers will be available on site to irrigate exposed lamprey beds if necessary and as directed by ODFW.

7. As the water recedes, and for the duration of the Project, crews will salvage lamprey ammocoetes as they emerge from the substrate.

8. Crews will salvage ammocoetes from the surface, place them in aerated buckets, and release them in the nearest oxygenated water above the dam in batches.

9. As ammocoete emergence slows, electrofishers will “dry shock” the sediments using lamprey-specific settings to coax remaining lamprey to the surface

10. Crayfish and mussels will be salvaged along with fish. Crayfish will be released along with fish releases. Mussels will be released just below dam on south bank, between the bank and small island in the existing mussel bed area

11. The most intensive fish salvage effort is expected to take place during the first three days of the reservoir drawdown, though salvage will take place for the duration of the drawdown period. Multiple co-investigators will lead multiple salvage crews, with electrofishing crews being led by experienced fish biologists. The electrofishing crew leads are anticipated to be David DeKrey (the permit holder principal investigator, DOWL), Todd Alsbury (Altap, formerly of ODFW), Mike Zenthofer (Point Environmental) and Andy Clodfelter (AECOM).

Intentional Lethal Take: Not Applicable

Anticipated Effects on Animals: It is expected that fish and invertebrates (mussels and crayfish) will be stressed from electroshocking and handling.

Measures to Minimize Effects: Collected animals will be held in aerated buckets and transferred frequently to live wells or net pens placed in shady areas of the river. Animals will be released in the nearest oxygenated water either above or below the dam (depending on their collection location) throughout each salvage day. Mussels will be held in a cooler and covered with milfoil to keep them hydrated. Mussels will be released just below dam on south bank, between the bank and small island in the existing mussel bed area

Disposition of Tissues: Not Applicable

Public Availability of Product/Publications: No reports aside from the final report submitted to this application will be completed.

District Biologist Comments

Date	From	Comments
07/18/2023	Fish Research	Applicant shall adhere to all Terms and Conditions of the permit. Please reach out to Greg Huchko (541-440-3353) at Roseburg ODFW with any questions.

Federal Information

Federal Agency	Type	Authorization Number and Title	Date Signed	Expiration Date	Listing Units/Stocks Covered	Comments
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National Marine Fisheries Service (NMFS)	Section 7 Consultation (Biological Opinion)	WCRO-2022-02717	07/20/2023	Coho Salmon, Oregon Coast (NMFS Threatened)	Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Winchester Water Control District's Winchester Dam Rehabilitation Project, North Umpqua River
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Location/Take Information

Please Note: only currently authorized takes are displayed. A letter in the Line column indicates that the take line has been modified.
Freshwater Location

Research Area: Pacific Ocean **State/Territory:** OR
Sub Basin (4th Field HUC): North Umpqua River **Stream Name:** North Umpqua River **Latitude:** 43.28416 **Longitude:** -123.3539 **Location Description:** Inwater work will be concentrated at Winchester dam in Winchester, OR. Salvage will occur both up and downstream of the dam, within the fish ladder and upstream in the reservoir for 1.5 miles.

Take Information

Line	Species	Listing Unit/Stock	Production/Origin	Life Stage	Sex	Take Action	Observe/Collect Method	Expected Take	Indirect Mortality	Procedures	Run	Transport	Begin Date	End Date	Details
1	Bass, Largemouth	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A		07/27/2023	08/28/2023	
2	Bass, Largemouth	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A		07/27/2023	08/28/2023	
3	Bass, Largemouth	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A		07/27/2023	08/28/2023	
4	Bass, Smallmouth	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A		07/27/2023	08/28/2023	
5	Bass, Smallmouth	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A		07/27/2023	08/28/2023	
6	Bass, Smallmouth	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A		07/27/2023	08/28/2023	
7	Bluegill	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A		07/27/2023	08/28/2023	

8	Bluegill	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A	07/27/2023	08/28/2023
9	Bluegill	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A	07/27/2023	08/28/2023
10	Bullhead (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	200	20		N/A	07/27/2023	08/28/2023
11	Bullhead (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	200	20		N/A	07/27/2023	08/28/2023
12	Bullhead (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	200	20		N/A	07/27/2023	08/28/2023
13	Chub, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	200	20		N/A	07/27/2023	08/28/2023
14	Chub, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	200	20		N/A	07/27/2023	08/28/2023
15	Chub, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	20	2		N/A	07/27/2023	08/28/2023
16	Chub, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	200	20		N/A	07/27/2023	08/28/2023
17	Crappie, Black	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A	07/27/2023	08/28/2023
18	Crappie, Black	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A	07/27/2023	08/28/2023
19	Crappie, Black	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A	07/27/2023	08/28/2023

20	Crappie, White	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A		07/27/2023	08/28/2023	
21	Crappie, White	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A		07/27/2023	08/28/2023	
22	Crappie, White	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A		07/27/2023	08/28/2023	
23	Crayfish, other	NA	N/A	All	Male and Female	Rescue/Salvage	Net, Dip	200	10		N/A		07/27/2023	08/28/2023	
24	Crayfish, other	NA	N/A	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	200	10		N/A		07/27/2023	08/28/2023	
25	Crayfish, other	NA	N/A	All	Male and Female	Rescue/Salvage	Seine, Beach	200	10		N/A		07/27/2023	08/28/2023	
26	Crayfish, Signal	NA	N/A	All	Male and Female	Rescue/Salvage	Seine, Beach	200	10		N/A		07/27/2023	08/28/2023	
27	Crayfish, Signal	NA	N/A	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	200	10		N/A		07/27/2023	08/28/2023	
28	Crayfish, Signal	NA	N/A	All	Male and Female	Rescue/Salvage	Net, Dip	200	10		N/A		07/27/2023	08/28/2023	
29	Dace, Speckled	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	400	10		N/A		07/27/2023	08/28/2023	
30	Dace, Speckled	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	40	4		N/A		07/27/2023	08/28/2023	
31	Dace, Speckled	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	400	10		N/A		07/27/2023	08/28/2023	

32	Dace, Speckled	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	400	10		N/A		07/27/2023	08/28/2023	
33	Dace, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	400	10		N/A		07/27/2023	08/28/2023	
34	Dace, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	400	10		N/A		07/27/2023	08/28/2023	
35	Dace, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	40	4		N/A		07/27/2023	08/28/2023	
36	Dace, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	400	10		N/A		07/27/2023	08/28/2023	
37	Lamprey (unknown)	NA	Natural	Juvenile	Male and Female	Rescue/Salvage	Electrofishing, Backpack	3200000	30000		N/A		07/27/2023	08/28/2023	ODFW estimates 30,000-3.2M juvenile lamprey may be present at site. Juvenile lamprey mortality shall not exceed the lesser of either 10% of juvenile lamprey present at the site or a maximum of 30,000 mortalities during the period of authorization.
38	Lamprey (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	2000	100		N/A		07/27/2023	08/28/2023	
39	Lamprey, Pacific	NA	Natural	Adult	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	500	10		N/A		07/27/2023	08/28/2023	

40	Lamprey, Pacific	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	2000	100		N/A		07/27/2023	08/28/2023
41	Mussel, unknown floater	NA	N/A	All	N/A	Rescue/Salvage	Hand/Spatula/Knife	200	5		N/A		07/27/2023	08/28/2023
42	Mussel, Western pearlshell	NA	N/A	All	N/A	Rescue/Salvage	Hand/Spatula/Knife	200	5		N/A		07/27/2023	08/28/2023
43	Mussel, Western ridged	NA	N/A	All	N/A	Rescue/Salvage	Hand/Spatula/Knife	200	5		N/A		07/27/2023	08/28/2023
44	Pikeminnow, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A		07/27/2023	08/28/2023
45	Pikeminnow, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A		07/27/2023	08/28/2023
46	Pikeminnow, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	10	1		N/A		07/27/2023	08/28/2023
47	Pikeminnow, Umpqua	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A		07/27/2023	08/28/2023
48	Salmon, Chinook	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Net, Dip	200	10		Spring		07/27/2023	08/28/2023
49	Salmon, Chinook	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Fish Ladder (only if associated with fish handling)	20	2		Spring		07/27/2023	08/28/2023
50	Salmon, Chinook	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Seine, Beach	200	10		Spring		07/27/2023	08/28/2023
51	Salmon, Chinook	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Electrofishing, Backpack	200	10		Spring		07/27/2023	08/28/2023

56	Sculpin (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	400	10		N/A	07/27/2023	08/28/2023	
57	Sculpin (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	40	4		N/A	07/27/2023	08/28/2023	
58	Sculpin (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	400	10		N/A	07/27/2023	08/28/2023	
59	Sculpin (unknown)	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	400	10		N/A	07/27/2023	08/28/2023	
60	Shiner, Redside	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	400	10		N/A	07/27/2023	08/28/2023	
61	Shiner, Redside	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	40	4		N/A	07/27/2023	08/28/2023	
62	Shiner, Redside	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	400	10		N/A	07/27/2023	08/28/2023	
63	Shiner, Redside	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	400	10		N/A	07/27/2023	08/28/2023	
64	Steelhead	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Net, Dip	100	10		Summer	07/27/2023	08/28/2023	
65	Steelhead	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Net, Dip	100	10		Winter	07/27/2023	08/28/2023	
66	Steelhead	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Fish Ladder (only if associated with fish handling)	10	1		Summer	07/27/2023	08/28/2023	
67	Steelhead	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Seine, Beach	100	10		Summer	07/27/2023	08/28/2023	

68	Steelhead	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Seine, Beach	100	10			Winter	07/27/2023	08/28/2023	
69	Steelhead	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10			Summer	07/27/2023	08/28/2023	
70	Steelhead	Oregon Coast	Natural	Juvenile	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10			Winter	07/27/2023	08/28/2023	
71	Stickleback, Threespine	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	500	50			N/A	07/27/2023	08/28/2023	
72	Stickleback, Threespine	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	500	50			N/A	07/27/2023	08/28/2023	
73	Stickleback, Threespine	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	500	50			N/A	07/27/2023	08/28/2023	
74	Sucker, Largescale	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	200	5			N/A	07/27/2023	08/28/2023	
75	Sucker, Largescale	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	50	5			N/A	07/27/2023	08/28/2023	
76	Sucker, Largescale	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	200	5			N/A	07/27/2023	08/28/2023	
77	Sucker, Largescale	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	200	5			N/A	07/27/2023	08/28/2023	
78	Trout, Cutthroat	Unspecified	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10			N/A	07/27/2023	08/28/2023	
79	Trout, Cutthroat	Unspecified	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10			N/A	07/27/2023	08/28/2023	

80	Trout, Cutthroat	Unspecified	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	10	1		N/A	07/27/2023	08/28/2023
81	Trout, Cutthroat	Unspecified	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A	07/27/2023	08/28/2023
82	Trout, Rainbow	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A	07/27/2023	08/28/2023
83	Trout, Rainbow	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A	07/27/2023	08/28/2023
84	Trout, Rainbow	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	10	1		N/A	07/27/2023	08/28/2023
85	Trout, Rainbow	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A	07/27/2023	08/28/2023
86	Trout, Brown	NA	Natural	All	Male and Female	Rescue/Salvage	Electrofishing, Backpack	100	10		N/A	07/27/2023	08/28/2023
87	Trout, Brown	NA	Natural	All	Male and Female	Rescue/Salvage	Seine, Beach	100	10		N/A	07/27/2023	08/28/2023
88	Trout, Brown	NA	Natural	All	Male and Female	Rescue/Salvage	Trap, Associated with a Fish Passage Structure	10	1		N/A	07/27/2023	08/28/2023
89	Trout, Brown	NA	Natural	All	Male and Female	Rescue/Salvage	Net, Dip	100	10		N/A	07/27/2023	08/28/2023
90	Salmon, coho	Oregon Coast (NMFS Threatened)	Natural	Juvenile	Male and Female	Rescue/Salvage	Seine, Beach	200	4		N/A	07/27/2023	08/28/2023

91	Salmon, coho	Oregon Coast (NMFS Threatened)	Natural	Juvenile	Male and Female	Rescue/Salvage	Fish Ladder (only if associated with fish handling)	50	1					07/27/2023	08/28/2023
92	Salmon, coho	Oregon Coast (NMFS Threatened)	Natural	Juvenile	Male and Female	Rescue/Salvage	Net, Dip	200	4					07/27/2023	08/28/2023
93	Salmon, coho	Oregon Coast (NMFS Threatened)	Natural	Adult	Male and Female	Rescue/Salvage	Fish Ladder (only if associated with fish handling); Seine, Beach; Net, Dip	50	1					07/27/2023	08/28/2023

Project Contacts

Responsible Party: Ryan Beckley
Primary Contact: David Dekrey
Principal Investigator: David Dekrey

Other Personnel

Name	Role(s)
Lee Todd Alsbury	Co-Investigator
Ryan Beckley	Co-Investigator
Austin Bloom	Co-Investigator
Benjamin Briscoe	Co-Investigator
Andy Clodfelter	Co-Investigator
George H Collins	Co-Investigator
Gina Maag-Klobas	Co-Investigator
James P. Stupfel	Co-Investigator
Gregory Swenson	Co-Investigator
Dan Thew	Co-Investigator
Julia Tier	Co-Investigator
Michael D Zenthoefel	Co-Investigator

Status

Application Status: Application Complete
Date Submitted: July 21, 2023

Date Completed: July 27, 2023
Last Date Archived: July 27, 2023

• **Oregon Rescue/Salvage Authorization**

Current Status: Issued **Status Date:** July 27, 2023

Date State Approved: July 27, 2023

Expire Date: August 28, 2023

Attachments

Application Archive - P27400T14Issued.pdf (Added Jul 27, 2023)

Contact - Lee Todd Alsbury (Added Feb 2, 2023)

Contact - David Dekrey (Added Jun 1, 2016)

Contact - Michael D Zenthofer (Added Sep 13, 2021)

Federal Authorization - P27400T22023_07_20_WinchesterDam_WCRO_2022_02717_002_.pdf (Added Jul 21, 2023)

Project Description - P27400T1Attachment_1_Winchester_Dam_Salvage_Data_sheet.pdf (Added Jul 27, 2023)

Project Description - P27400T1Win_Dam_ODFW_Terms_and_Conditions_7.27.23.pdf (Added Jul 27, 2023)

Modification Requests

This section is currently empty.

Reports

Nbr	Report Type	Report Period		Date Due	Status	Date Received
		Start Date	End Date			
1	Annual-Year End	07/27/2023	08/28/2023	10/01/2023	N/A	