

WATERWATCH OF OREGON * STEAMBOATERS * THE NORTH UMPQUA FOUNDATION
UMPQUA WATERSHEDS * THE CONSERVATION ANGLER * NATIVE FISH SOCIETY
NORTHWEST SPORTFISHING INDUSTRY ASSOCIATION * PACIFIC RIVERS
MCKENZIE FLYFISHERS * AMERICAN WHITEWATER * ROGUE FLYFISHERS
PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS * OREGON WILD
CASCADIA WILDLANDS * INSTITUTE FOR FISHERIES RESOURCES
SOUTH UMPQUA RURAL COMMUNITY PARTNERSHIP
FLY FISHERS INTERNATIONAL * OREGON COUNCIL FLY FISHERS INTERNATIONAL

Vicki Walker, Director
Oregon Department of State lands
775 Summer St. NE, Suite 100
Salem, OR 97301-1279

August 31, 2020

Re: Permitting at Winchester Dam

Dear Director Walker:

We hope you and yours are safe and well in these difficult times. Thank you for your November 25, 2019 letter responding to our coalition's October 21, 2019 letter raising concerns regarding removal-fill permitting at Winchester Dam, among other issues.

We are writing to provide the Oregon Department of State Lands (DSL) with documents and information regarding instances of past maintenance or reconstruction activities at Winchester Dam which may have adversely affected the waters of the state. We respectfully request that DSL fully consider this information when evaluating permitting requirements for future repairs at Winchester Dam. These instances include:

"Leakage" During 1986 Concrete Repair

Appendix A (see <https://bit.ly/2GcCjDn>) contains Oregon Water Resources Department (OWRD) files including a contractor-provided narrative and drawings of a 1986 Winchester Dam repair attempt involving a concrete pour under the south abutment. This appendix also contains correspondence about the repair after the fact, as well as a field report from OWRD describing "leakage" during the concrete pour (we read this as a leakage of uncured concrete or other materials) and an Oregon Department of Fish and Wildlife (ODFW) official complaining to the contractor "about cement in the river and no permits."

Submersion of Treated Wood During Repairs

Appendix B (see <https://bit.ly/3hLjS6T>) contains Oregon Department of Fish and Wildlife file photographs from 2009 showing apparently new, pressure treated wood

planks in Winchester Dam's 367-foot-long crib. In this appendix also see page 3 of OWRD's 2013 Winchester Dam inspection identifying "[t]reated lumber from past repair" in the dam.

Winchester Dam is 50 feet upstream from the City of Roseburg's public drinking water intake. The U.S. Environmental Protection Agency, along with the U.S. Department of Human Services recommends that treated wood should not be used where it may come in direct or indirect contact with public drinking water.

As you know, because of the adverse affects of treated wood, DSL rules specifically prohibit any treated wood entering the waters of the state during permitted activities.¹ Similarly, DSL rules prohibit the installation of treated wood as pilings in Essential Salmonid Habitat.² Winchester Dam lies within designated Essential Salmonid Habitat.

Installation of Materials of Unknown Toxicity in Fish Ladder

In mid-2019, Winchester Water Control District began makeshift repairs of the Winchester Dam fish ladder using conveyor belt material which may contain toxic substances. Images and correspondence regarding these repairs from ODFW files are contained in Appendix C (see <https://bit.ly/2YSpVyP>).

The installed belting was initially identified as "Hoffmeyer" brand to ODFW (See email from Ryan Beckley July 11, 2019), then as "Continental Fortress XP Belt" (See email from Ryan Beckley July 15, 2019). The product page for this second belt type indicates it is flame retardant with options for multiple types of "cover compound" treatments.³⁴ It is not clear from collected documents and information whether ODFW has definitively established the type of belt or its optional "cover compound" treatments, if any. (See email from Alan Ritchey June 3, 2020.)

River advocates have urged ODFW to require Winchester Water Control District to use only known non-toxic materials in fish ladder repairs, such as untreated cedar, rather than rely on after-the-fact investigations to determine whether or not toxic materials have been installed in the fish ladder. Further, we urge DSL to please consider materials to be used in any proposed future repair or maintenance, to ensure that they are not toxic or harmful.

We look forward to your response to this letter, and to working with you to ensure future repairs and maintenance of Winchester Dam do not harm the waters of the state and the North Umpqua's other irreplaceable natural resources, as well as the people, communities, and economies dependent upon the health of this remarkable river.

¹ 141-093-0135(10)

² 141-089-0685(2)

³ Product page: <https://bit.ly/31zAEPc>

⁴ Cover compounds: <https://bit.ly/31tQ4om>

Sincerely,

Jim McCarthy
Southern Oregon Program Director
WaterWatch of Oregon

Tim Goforth
President
Steamboaters

Becky McRae
Chair
The North Umpqua Foundation

Stanley Petrowski
President
South Umpqua Rural Community Partnership

David Moskowitz
Executive Director
The Conservation Angler

Liz Hamilton
Executive Director
Northwest Sportfishing Industry Association

Ken Carloni
Chair
Umpqua Watersheds

Glen Spain
Northwest Regional Director
Pacific Coast Federation of Fishermen's Associations
Institute for Fisheries Resources

Steve Pedery
Conservation Director
Oregon Wild

Steve Day
President
Rogue Flyfishers

Greg Haller
Executive Director
Pacific Rivers

Kirk Blaine
Southern Oregon Regional Coordinator
Native Fish Society

Josh Laughlin
Executive Director
Cascadia Wildlands

Dave Thomas
Board
McKenzie Flyfishers

Mike Brinkley
Conservation Director
Oregon Council Fly Fishers International

Patrick H. Berry
President and CEO
Fly Fishers International

Thomas O'Keefe
Pacific Northwest Stewardship Director
American Whitewater

Cc:

The Honorable Kate Brown, Governor of Oregon
The Honorable Ron Wyden, U.S. Senate
The Honorable Jeff Merkley, U.S. Senate
The Honorable Peter DeFazio, U.S. House of Representatives
Director Richard Whitman, DEQ
Kristen Hafer, U.S. Army Corps of Engineers
Keith Mills, OWRD
Oregon Fish and Wildlife Commission
Director Curt Melcher, ODFW
Ken Phippen, NOAA