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

The Honorable Kate Brown
Office of the Governor
900 Court Street, Suite 254
Salem, OR 97301-4047

The Honorable Jeff Golden
Oregon State Senate
900 Court St. NE, S-421
Salem, Oregon 97301

The Honorable Floyd Prozanski
Oregon State Senate
900 Court St. NE, S-413
Salem, Oregon 97301

Tom Byler, Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Sent Via Email

March 29, 2021

Re: Public Safety at Winchester Dam

Dear Governor Brown, Senator Golden, Senator Prozanski, and Director Byler:

We hope you and yours are safe and well.

Following up on our coalition's October 16, 2020 letter to you, and partially in response to Director Byler's reply letter to us dated November 5, 2020, we are again writing to respectfully urge you to address critical public safety issues at Winchester Dam on the North Umpqua River. First, we would like to express appreciation to the Oregon Water Resources Department (OWRD) for requiring Winchester Water Control District (WWCD) – the private owners of the 130-year-old Winchester Dam – to develop a rudimentary plan in late 2020 for

coordination with local emergency managers to address the known increased risk to this dam in the near term. We also appreciate OWRD's efforts to bring the dam's Emergency Action Plan (EAP) into compliance with statute by setting specific deadlines for WWCD compliance. These are steps in the right direction. However, significant known safety issues at this dam remain unaddressed, and will continue to present unacceptable risk to people, property, fisheries, public drinking water supplies, and other natural resources, until OWRD sets additional appropriate compliance deadlines and takes other actions within its authority to protect public safety at Winchester Dam.

Specifically, we request OWRD take the following actions:

1. Exercise its authority under ORS 540.458, ORS 540.461, and ORS 540.467 to require that a comprehensive structural inspection of the dam by a qualified engineer occur, including written findings and a plan for repair based on these findings submitted to OWRD, by December 31, 2021. As you know, OWRD dam safety officials wrote to WWCD in August 15, 2019 noting that "Winchester Dam last received a structural detail inspection [in] 1987" and that "a structural inspection is needed very soon." On October 16, 2019, dam safety officials followed up in writing within an inspection letter to WWCD, reiterating that "a structural inspection is needed very soon," listing the need for a comprehensive inspection as a "safety issue to be addressed," and stating, "we have yet to hear from you." We understand that subsequent to this second letter, WWCD has been in contact with OWRD and verbally assured officials that an inspection and repair would occur soon. However, nineteen months and two North Umpqua in-water work periods have now passed since OWRD's first letter on this matter without a comprehensive structural inspection of Winchester Dam by a qualified engineer. We understand that as of this writing, OWRD has received no work product from a qualified engineer retained by WWCD, or even a proposed scope of work for structural inspection. Given the circumstances, including the derelict and deteriorating condition of this aged dam, the lack of effort by the dam owners, the ample resources of the dam owners, and the impacts associated with a potential failure of Winchester Dam, OWRD must set a concrete deadline for WWCD compliance.
2. Exercise its authority under ORS 540.461 to set a definite plan and time frame for corrective action of known safety issues at Winchester Dam, requiring repairs to address the safety issues on the dam by September 30, 2022. As you know, in the October 16, 2019 inspection letter mentioned above, OWRD dam safety officials requested WWCD "[d]evelop a plan to repair the dam, in a timely manner, based on the Engineer[']s findings and submit the plan to us prior to starting any work on the dam." This request was listed as a "[s]afety issue to be addressed." Despite this request for "timely" action, WWCD has not taken substantive action to comply with this request for seventeen months. We understand that WWCD and OWRD previously agreed to a schedule involving dam repairs in 2021, but WWCD recently withdrew from that schedule. Again, given the circumstances, including the derelict and deteriorating condition of this 130-year-old dam, lack of effort by the dam owners, the ample resources of the dam owners, and the impacts associated with a potential failure of Winchester Dam, OWRD must set a specific deadline for WWCD compliance.

3. Downgrade Winchester Dam's condition rating from "Poor" to "Unsatisfactory." In the October 16, 2019 inspection letter, OWRD stated that, "The dams' condition has been downgraded to POOR and may be downgraded further to UNSATISFACTORY if the dam safety issues are not addressed in the very near future." WWCD has not addressed the listed safety issues of structural inspection and repair for seventeen months, and we understand now proposes to wait another fifteen months, at least, to fully comply with OWRD's "safety issue" requests. This is unacceptable and requires OWRD follow-through.

As you know, WWCD previously ignored or delayed action on warnings regarding leakage under the dam's south abutment in OWRD inspection letters to WWCD dated December 22, 2016, and November 16, 2017. This inaction precipitated a hurried, unpermitted, and ultimately botched repair at the dam in late 2018. According to the Oregon Department of Environmental Quality (DEQ), pollution from this repair degraded aquatic habitat, killed numerous fish, and harmed the primary drinking water source for the City of Roseburg and the Umpqua Basin Water Association – serving approximately 37,700 people combined. DEQ found that dam repairs were conducted without following established best management practices, even after state and federal agencies provided information in advance on how to protect water quality and fish. Fortunately, no people were killed or injured in this incident at a state designated high-hazard dam. Unfortunately, a repeat of such a needlessly harmful pollution spill is likely among the least bad outcomes if WWCD is allowed to continue delaying action on OWRD requests regarding dam safety issues.

As you also know, members of our organizations, our families, our neighbors, and our friends live and/or recreate in the river below this dam, or depend on the salmon resources from this river for our livelihoods. The people, property, and public infrastructure of the North Umpqua River below Winchester Dam are currently at unacceptable risk of harm and death because WWCD has ignored OWRD requests and warnings over many years. OWRD must correct this problem by setting specific deadlines for WWCD compliance as provided by Oregon statute. We urge you all to please support and take action now to correct this problem and ensure safety for our families, friends, and neighbors.

Sincerely,

Jim McCarthy
Southern Oregon Program Director
WaterWatch of Oregon

Tim Goforth
President
Steamboaters

Becky McRae
Chair
The North Umpqua Foundation

Ken Carloni
President
Umpqua Watersheds

Stanley Petrowski
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South Umpqua Rural Community Partnership

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Dave Thomas
Board
McKenzie Flyfishers

Mike Brinkley
V.P. Conservation
Oregon Council Fly Fishers International

Cc:

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
Director Curt Melcher, ODFW
Director Vicki Walker, DSL
Kristen Hafer, U.S. Army Corps of Engineers
Keith Mills, OWRD
Cow Creek Band of Umpqua Tribe
City of Roseburg
Oregon Fish and Wildlife Commission
Oregon Water Resources Commission
Tim Walters, ODFW
Lauren Brown, DSL
Chuck Wheeler, NOAA