

JEFF GOLDEN
STATE SENATOR
DISTRICT 3



OREGON STATE SENATE

September 28, 2023

Leah Feldon, DEQ Director
4026 Fairview Industrial Drive SE
Salem, OR 97302

Curt Melcher, ODFW Director
4034 Fairview Industrial Drive SE
Salem, OR 97302

Doug Woodcock, Acting OWRD Director
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Directors Feldon, Melcher, and Acting Director Woodcock,

This is to follow up on the presentation that members of your respective staffs gave to the Senate Natural Resources and Wildfire Committee yesterday, September 27. I would first like to express my appreciation for their appearance. I know that preparing and delivering their remarks took valuable time away from other responsibilities, and much of the information they provided was helpful. Please convey my thanks to them for their efforts.

I was aware from an earlier conversation that there would be significant limits on the information that could be publicly presented yesterday, because your examination of recent activities at the Winchester Dam and related decisions of the Winchester Water Control District (WWCD) is still in process. I found that understandable, and told your staff as much in that conversation. I also said to them that the level of public interest in the project made timely and full public disclosure of agency oversight and activities in connection with the project very important. I believe your staff understood that point.

With that in mind, I was disappointed that at as our hearing closed, none of your staff would offer assurances that more comprehensive information would be available by any time certain in the future. Our objective was not to push for an inappropriately short timeline, but rather to establish clarity—again, because of the level of public interest—that there will be meaningful and relatively timely follow-up. The hearing ended with no commitment on that score.

This concerns me. As you likely know, public perception has grown over the years that operation and maintenance of this dam have not been held to statutory and regulatory standards that similar facilities around the state have to meet. I see the attention surrounding this most recent repair project as an opportunity to address and, if possible, to reduce that perception. That goal was not

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advanced when we had to leave yesterday's meeting with no idea of when we can expect a thorough report to share with interested Oregonians, who are looking for a basis to be confident that our state agencies will insist on compliance with prevailing law and regulation.

With that in mind, I invite staff from your agencies to return to my committee with a thorough report at our meeting on November 6, 2023. If it's not possible to produce the report by that date, we could instead place it on our agenda for January 10, 2024, our final meeting in the 2023-24 legislative interim. The questions I hope the report will address include:

- 1) Was repair work on the Winchester Dam in August and September of this year performed in full compliance with applicable permit requirements?
- 2) If not, what aspects of the work were not in compliance, and what if any sanctions or consequences for the District and/or repair contractor will ensue?
- 3) To what degree did the project succeed in eliminating the dam's leakage?
- 4) What is the best assessment of the current condition and structural integrity of the dam? Will any requirements be imposed on the WWCD to improve its current condition?
- 5) Does the efficacy of fish passage at the dam meet all applicable state and federal requirements? If not, what steps will your agencies take to make fish passage compliant with those requirements?
- 6) Are your agencies planning any other measures for change or improvements in the operation and maintenance of the Winchester Dam?

My immediate request is for you to communicate among yourselves and relevant staff to let me know if we can expect a full report at either our November 6 or January 10 meeting. As I'm leaving the area to take personal time off on October 4, I'd be grateful for an answer by that date. If that's not possible, please submit a response to my office as soon as possible.

Thanks very much for your attention to this important matter.

Senator Jeff Golden
Chair, Senate Natural Resources and Wildfire Committee

Cc: Geoff Huntington, Office of Governor Tina Kotek
Senate President Rob Wagner
Senate Natural Resource Committee members Fred Girod, Floyd Prozanski, Kathleen Taylor, David Brock-Smith
SNRW Committee Administrator Laura Kentnesse