

# North Umpqua Winchester Dam Removal Campaign Secures Big Wins

By Jim McCarthy

**W**ins keep coming in the WaterWatch-led campaign to remove Winchester Dam and put an end to the biggest fish killer on Oregon's North Umpqua River. Recent dramatic progress on this issue is a credit to the statewide grassroots coalition of fishing, conservation, and whitewater groups formed several years ago to end the ongoing harm caused by this 136-year-old dam, which serves only to provide private flatwater recreation for approximately 110 surrounding landowners. Members of our coalition live, work, fish, and recreate in and along the North Umpqua above and below Winchester Dam, including in coastal communities. Our coalition's members depend upon the salmon and steelhead runs from this river for our livelihoods, for world-class recreational opportunities, for the economic well being of our communities, and for cherished traditions. Our coalition was formed to bring the rule of law to Winchester Dam, until such time as the structure can be removed for the benefit of the North Umpqua and the people who love and depend upon it.

Our biggest recent win came on May 15, when the Oregon Fish and Wildlife Commission denied the dam owners' petition requesting stay of a final order requiring demolition of the inadequate north side fish ladder and construction of new fish passage facilities on the south end of the dam, nearer the natural travel corridor for migratory fish. The Commission found that "staying the Final Order would result in substantial public harm... because allowing continued inadequate passage at the Dam is both contrary to State policy and particularly harmful to the summer steelhead and spring Chinook in the North Umpqua River." The Commission also noted that the "recent increase in documented injuries to native migratory fish (since the 2023 repair project) is concerning."

Previously, on February 20, the Commission approved the final Winchester Dam fish passage order by a 6-to-1 vote.

These Commission actions have been necessary because dam owners Winchester Water Control District chose to fight, rather than to comply with a September 2024 ODFW proposed order for new fish passage, and then chose to fight, rather than comply with a subsequent administrative law judge's ruling against the dam owners' original challenge to ODFW's straightforward enforcement of state fish passage law. With counsel from Earthjustice and Crag Law Center, WaterWatch and Steamboaters have been intervenors in support of the Oregon Department of Fish and Wildlife throughout this process.

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*The days are  
numbered for  
Winchester Dam as  
conservation wins —  
and costs — mount.*

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Unfortunately, instead of finally complying with ODFW's order benefitting the North Umpqua, the District has petitioned the Oregon Court of Appeals, asking the court to overturn the Commission's final order. The dam owners are expected to lose this appeal, as they have lost at every previous step. The District's legal maneuvers have already delayed compliance with state fish passage law for nearly two years. Indeed, the District's unwillingness to improve passage for migratory fish at the dilapidated structure goes back further. In 2019, the dam owners rejected our coalition's offer to contribute \$10,000 in engineering services to improve fish ladder function at Winchester Dam.

WaterWatch and Steamboaters are opposing both the dam owners' appeal of the fish passage order and opposed their failed stay request. We will remain intervenors throughout this case to support ODFW and the North Umpqua's invaluable fish runs.

ODFW's issuance and subsequent defense of its passage order is a great credit to the agency, and promises transformative change and improvement at Winchester Dam after years of needless harm to the North Umpqua's water quality, aquatic life, and habitat. Construction of legally compliant fish passage at the dam is expected to cost upwards of \$70 million. It is almost certain that the dam owners will opt to remove the dam rather than build new fish passage because of this cost. If the dam owners do not comply with the final fish passage order, the state has the authority to remove the dam at the District's expense under ORS 509.625(4). Of course, this is not the preferred outcome, and the District has another alternative — WaterWatch's standing offer to remove the dam for little to no cost to the owners.

A subgroup of our coalition recently won a second time in our ongoing effort to counter the dam owners' careless disregard for water quality protections. In March, a state administrative law judge upheld \$104,767 in fines issued by the Oregon Department of Environmental Quality against the dam owners and TerraFirma Foundation Repair, Inc., for water quality violations during summer 2023 repairs at the dam. TerraFirma is a basement repair company owned by the Winchester Water Control District Board President which served as the primary contractor for the 2023 repairs. This ruling was necessary because the District and TerraFirma chose to fight rather than comply with the DEQ fines. WaterWatch, Steamboaters, Umpqua Watersheds, Native Fish Society, and Oregon Wild intervened in the case on behalf of the river, water quality, fish, and wildlife, and were represented by Crag Law Center.

The ruling marked the second time in under five years that a judge has upheld state fines for water quality violations during botched Winchester Dam repairs after the same five organizations intervened in support of the fines. This time, the judge upheld DEQ fine

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enhancements due to the dam owners' and TerraFirma's "reckless" and "flagrant" conduct resulting in water quality violations. The ruling also found that the District has a "history of hiring contractors inexperienced with complex in-water work" and demonstrated a "general disregard" for water quality protections during the 2023 repair work. The judge found that "TerraFirma did not have a background with in-water projects with respect to dams or otherwise" and that the dam owners demonstrated a pattern of "choosing expediency and low cost over qualifications and experience when selecting a contractor for the 2023 repair project."

Even in the face of this scathing judgement, the dam owners and TerraFirma are continuing to fight, rather than pay the DEQ fines. They recently asked the Oregon Environmental Quality Commission, which oversees DEQ, to overturn the fines issued by DEQ and upheld by the administrative law judge. WaterWatch and our co-intervenors will be filing a brief in opposition, and will remain in this case until the end.

The dam owners' disregard for the rule of law extends to water storage. Trial is set to begin on June 8, 2026 in the lawsuit brought by the dam owners in another bid to delay state enforcement through costly litigation. The District's lawsuit came after the Oregon Water Resources Department found in January 2023 that the water stored behind the dam exceeded the owners' water right claim by approximately 29.7 million gallons or 1.1 feet in reservoir pool elevation. Previously the judge in this case dismissed every

claim brought by the dam owners against the state — except one.

The District could solve their unlawful storage problem, as they were informed by state officials in writing in January 2023, by applying for a new water storage right for their currently excess water storage. Instead, the dam owners chose to litigate. Some observers believe the District took this action because issuance of a new water right at the dam would come with a mandatory requirement under state law for construction of new legally-compliant fish passage.

WaterWatch and our allies continue to support ODFW as amicus parties represented by Crag Law Center in the ongoing court case over the \$27.6 million fine against Winchester Water Control District, TerraFirma, and DOWL Engineering resulting from the massive fish kill during the 2023 repairs [*Editor's Note: See "Special Report: Disastrous Dam Repair on North Umpqua Sparks Massive Fish Kill," by Jim McCarthy, The Osprey, Fall 2023*]. As part of this case, TerraFirma recently sued their subcontractor Mount Hood Environmental, LLC for alleged failures during the fish salvage effort leading up to the 2023 fish kill, demanding damages in the amounts of any ODFW fines imposed against TerraFirma.

Winchester Water Control District has also contracted with Mount Hood Environmental in the past as an expert witness for their defense in federal court against allegations that Winchester Dam violates the Endangered Species Act by causing harm to federally-listed coho salmon. In the most recent development in that case, WaterWatch and Steamboaters, with Earthjustice as counsel, filed an appeal in September 2025 to the 9<sup>th</sup> Circuit

Court of Appeals requesting review of a lower court ruling finding that the dam does not violate the ESA. The lower court reached this conclusion after finding that dam has significant issues, including many false attraction flows causing salmon to waste critical time and energy jumping where there is no passage, an inadequate and poorly placed fish ladder, and a design that forces fish migrating down-

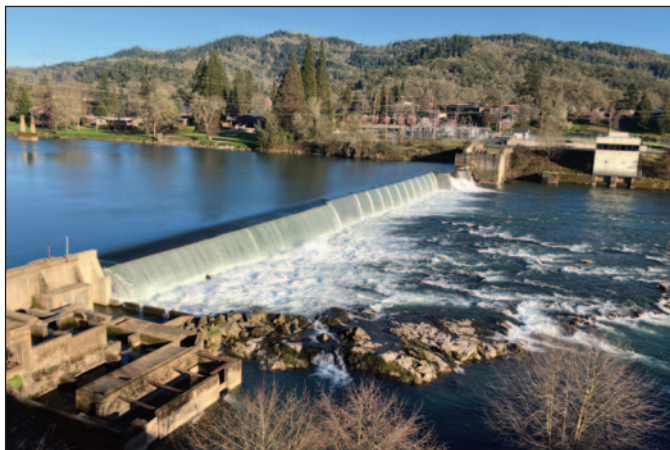
stream to drop 16 feet onto a concrete and bedrock shelf.

Meanwhile, the dam owners continue to delay completion of work to permanently address water flowing through voids under the southern end of the dam — work which was supposed to be part of the 2023 repairs. The engineering firm the District retained for the 2023 repairs, DOWL, designed a solution to the south end leakage that involved, among other elements, driving sheet pile into the bedrock on the south end of the dam and extending the wall 25 feet outside of the river channel to prevent water from migrating under or around it. This engineered solution was submitted to, approved by, and permitted by the relevant state and federal agencies. But the District's contractor, TerraFirma, did not construct this approved and permitted design during the 2023 repairs, and instead injected foam in various places in and under the south end of the dam. The foam failed soon after.

Since then, the dam owners did not comply with a December 2023 order from state dam safety officials requiring annual "underwater camera inspections" of the dam and to finish "work to mitigate the voids within the dam" by 2024. The dam owner's failure to comply with safety officials simultaneous order to take immediate corrective actions to address other issues causing the dam to be "unsafe or potentially unsafe" resulted in issuance of a proposed final order on March 2024 seeking to declare the dam a nuisance and removed at the dam owner's expense. The dam owners first requested a contested case to oppose this order before entering into a consent order with the state in December 2024 regarding specific corrective actions.

Even so, the dam owners did not comply with a subsequent December 2024 order requiring annual "underwater camera inspections" of the dam and to finish "work to mitigate the voids within the dam" by 2025. Indeed, according to Winchester Water Control District's 2025 financial report, the dam owners spent \$0 for "repairs and maintenance" during the 2025 fiscal year. Most recently, in September 2025, dam safety officials ordered WWCD to "Repair the void [under the south end of the dam] or have an engineer assess the void and provide documentation to the state that the void is not a safety issue."

Dam safety officials have annually as-



The 136-year-old Winchester Dam serves no purpose now other than to provide flat-water recreation to a small number of homeowners. Photo by Jim McCarthy

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essed Winchester Dam to be in “poor” condition since at least 2019.

Despite their unwillingness to undertake necessary fish passage improvements, safety repairs, or water quality protection measures at their 136-year-old dam, the dam owners have been willing to fund multiple legal battles to challenge state enforcement actions intended to protect the public, native fish, and the North Umpqua. These legal fights come at significant cost to Oregon’s taxpayers. According to their annual financial reports, the dam owners spent \$219,694 on legal fees in fiscal year 2025, \$271,662 in fiscal year 2024, and \$91,126 in fiscal year 2023. In total, over the last three fiscal years alone, the dam owners spent \$582,482 on legal fees.

The District’s strategy of ignoring or challenging the state’s authority at every opportunity and embroiling the state in costly litigation at every turn rather than complying with state laws is doomed to fail. Insisting on owning a dam on one of the world’s most spectacular wild steelhead rivers without heeding the laws and responsibilities all other dam owners must follow is offensive to Oregon values and has done real harm to the North Umpqua River and the people who depend on it.

Fish species in the North Umpqua including steelhead, Pacific salmon and Pacific lamprey face multiple threats to their survival and successful migration and spawning. They are particularly at risk this year, and will continue to be at risk in years to come, due to drought conditions, climate change, and adverse river conditions. Winchester Dam will exacerbate these impacts to fish due to the delay and harm that it causes during migration.

Water temperatures are getting warmer, leading to lower dissolved oxygen levels which cause additional stress to migrating salmonids. This makes fish more vulnerable to multiple threats such as predation, disease, and decreased energy to access habitats.

Because water temperature is a key factor in triggering migration timing for salmonids, warmer than average water temperatures also disrupt migration. Unique life history strategies of salmon trigger different species to migrate during different seasons. Spring Chinook salmon and summer steelhead of the North Umpqua migrate early in the spring before water temperatures

get too high for them to move through the watershed. If water temperatures warm too quickly, migrations will stop, preventing fish from accessing cold water habitats. Additionally, coho and fall Chinook typically migrate in the fall when water cools. Warm water temperatures will delay their migration timing, shifting run timing and possibly decreasing successful spawning. If salmon are delayed in their migration, risk increases that the fish will not reach suitable habitats in time to spawn. Delayed migration also increases the risk of pre-spawn mortality due to excessive temperatures, predation, or angling.



**The North Umpqua River, located in southwestern Oregon, is a storied wild summer steelhead stream. Photo by Bob Wick, Bureau of Land Management Oregon/Washington.**

Low river flows also make migration more treacherous for salmonids. River channels become shallower and narrower, leading to overcrowding, and increased stress. Fish are also more visible in shallower water, increasing the risk of predation.

Low flows and warm water temperatures mean that deeper pools of cooler water that are critical for resting disappear. The combination of low flows and warm water temperatures will shift the thermal barrier to migration earlier in the year and prevent fish from migrating. An example of this was in 2021 when the Pacific Northwest saw the “heat dome” elevating air temperatures and water temperatures in June. When this occurred, the North Umpqua River saw a return of only 450 wild summer steelhead, less than 50% of their critical abundance threshold (the point at which a population is at high risk of extinction over a short period, or where conservation of the population could be in jeopardy if a downward trend continues) as defined by ODFW.

The negative impact that these river conditions have on fish has already led

to restrictions on spring Chinook fishing with more restrictions likely as the season progresses. Spring Chinook salmon are being regulated on the North Umpqua at the “moderate” level on the sliding scale, allowing harvest of one fish a day and ten for the 2026 season. Last year, ODFW took the unprecedented step to restrict harvest to hatchery fish only in the North Umpqua, preventing the harvest of wild fish and eliminating a large portion of the opportunity for anglers. It is well known that if river conditions rapidly decline and low numbers of summer steelhead return to the basin, ODFW will close the summer steelhead fishery on August 1, something ODFW did in 2021 and 2023. These management restrictions will likely continue in future years. Migration delay and harm to fish caused by Winchester Dam is only increasing the threats to these fish, contributing to future restrictions.

In these poor river conditions, it is critical that migrating salmonids not have to endure additional stress due to manmade barriers to migration with inadequate fish passage such as Winchester Dam.

Delaying installation of adequate fish passage at Winchester Dam, as the dam owners are doing with their repeated appeals, will only compound the harm the dam is causing every day to multiple species, including state “sensitive species” such as summer steelhead, spring Chinook, and Pacific lamprey.

The Winchester Dam owners cannot have a dam exempt from the rule of law. If the dam owners cannot tolerate the straightforward responsibilities of dam ownership, the only reasonable option is removal. Over the last five years, WaterWatch has offered twice in writing to the dam’s owners to remove the dam for little to no cost to them. Our hand will remain out to work cooperatively with Winchester Water Control District, state and federal government, and private organizations to accomplish successful dam removal and site restoration at Winchester.



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*Learn more at <https://waterwatch.org> and <https://steamboaters.org>.*