

From: Scott Klain <scott.klain@gmail.com> e

Sent: Tuesday, June 2, 2020 1:42 PM

To: ted.g.wise@state.or.us

Subject: Bowman Dam fish passage.

Ted,

My thought initially is that in this day and age, there is no excuse for not providing fish passage at a Dam site.

Build the cost of a ladder into your design, and take it from the profits you gain while selling Hydropower.

We are just now getting steelhead and Sockeye back into Crooked River.

--

Scott Klain

Scotco Trucking, Inc

541-929-3424

ICC MC182667

-----Original Message-----

From: Shane Sheldon <shane.sheldon@gmail.com>

Sent: Tuesday, June 2, 2020 7:04 PM

To: ted.g.wise@state.or.us

Subject: Ochoco Irrigation District waiver for Bowman Dam Hydro Project

For some reason, I read about the proposed Bowman Dam proposal today and felt the need to express some comments. I am a fishery engineer and upstream and downstream passage at high head dams is always interesting.

The rigidity of the ODFW Net Benefit Analysis didn't seem to take into account the complexity of the project. Obviously, when you compare the proposed mitigation actions against complete fish passage; there is no comparison (498 miles vs. 4.2 miles). That could have been a three-page analysis. But to me, that is not an accurate alternatives analysis, because it doesn't take into account the existing condition.

If a fish passage waiver is not granted the status quo will prevail and the status quo is no fish access above the dam, which is 0 miles.

If looked at in this way the net benefit analysis is something versus nothing. Which begs the question is the project completely unviable if the waiver is not granted and a fish passage facility has to be built?

I did not see any cost-benefit analysis for the hydro project itself not including any passage. I would guess that the project does not make economic sense with an extra \$100m of capital expenditures, but I don't know.

Another question I have is if a waiver is granted now, does would that prevent a project from being developed in the future? Could there be a waiver that expires in 20-30 years?

When I toured the Round Butte Selective Water Withdrawal facility I was struck by a few things. First how over complex it was and also that it didn't seem to work all that well. This does not surprise me I have seen so many gold plated complex fish facilities that don't really work. True functioning fish passage at large dams is a very difficult problem and why I feel dam removal is likely the only true solution to anadromous restoration. But I am also pretty sure that without the incredibly deep pockets of PGE and 50 years of lucrative hydro revenue to build from there is no way that facility gets built.

OID is not PGE. They don't have 50 years of hydro revenue to draw from. There is likely no financially feasible way OID can provide fish passage at Bowman Dam without first banking years of hydro revenue.

Which brings me back to the question. Is something better than nothing? I don't know but if I look into my crystal ball. My guess is ODFW doesn't grant a waiver and this project gets shelved and 20 years from now we are exactly where we are now with no viable path the passage above Bowman, minus 4.2 miles of habitat. Let's just say they do get a conditional waiver and a 20 year FERC license. Then maybe in

20 years, they get sued or there next FERC license requires fish passage. Then OID has actual revenue and a hydro asset to borrow against. Maybe then they can afford a complex fish passage system that doesn't completely work.

Unless ODFW sees a path to removing Bowman Dam, then it seems like something is better than nothing. And granting a waiver maybe the best way to actually do something now and work toward opening the full 498 miles later.

Best,
Shane Sheldon

From: Onalee Roe <onalee.baumgartner@gmail.com>
Sent: Tuesday, June 2, 2020 7:51 PM
To: ted.g.wise@state.or.us
Subject: Public Comment re: proposed fish passage waiver

Hello,

As a resident of central Oregon, I care deeply about the natural environment of this region. I am writing to ask that the proposed fish passage waiver for the hydroelectric project situated on the Crooked River at the Bowman Dam in Crook County NOT be granted, as ODFW has completed a net benefit analysis and a recommendation to the commission that the proposed mitigation actions will NOT provide greater benefits than if passage were provided at the dam.

While providing power to Oregon residents is important, it is not as important as respecting and maintaining the biodiversity of our waters and lands. We know that removing or impacting one species in an area can have hugely detrimental impacts on countless other species and on the health of rivers and the people who depend on them for life and wellbeing. Please follow ODFW's recommendation and ensure that this and ALL future dams in the area provide fish passage. Better yet-- let's move toward solar energy and avoid damming any more of Oregon's rivers.

Many thanks,
Onalee Roe
928-864-7166

-----Original Message-----

From: Tim Reams <timr@bendbroadband.com>

Sent: Tuesday, June 2, 2020 9:12 PM

To: ted.g.wise@state.or.us

Subject: Bowman Dam fish passage

I am an avid fisherman that fishes both the crooked river below Bowman Dam as well as fishing Prineville Reservoir. I fish both locations multiple times a year. Even though I really enjoy the fly fishing for native red bands in the Crooked River, I do not want to risk harming the fishery in Prineville Reservoir. I would say do not put a fish passage into Bowman Dam. Both fisheries can be maintained for a solid fishery. We should focus on the trout fishing in the crooked river and the warm water species in Prineville Reservoir. The cost of potentially having salmon or steelhead return up the Crooked river is not money well spent for something that will never happen in my lifetime Tim Reams Bend OR.

Sent from my iPhone

-----Original Message-----

From: Jack lynch <ocsofthackle@hotmail.com>

Sent: Wednesday, June 3, 2020 8:48 AM

To: ted.g.wise@state.or.us

Subject: Bowman Dam Fish Passage Waiver

Minimum stream flow limits would be a valuable trade off. Perhaps something in the range of 100 cfs . Jack Lynch

Sent from my iPad

From: Mike Ogle <mogle@q.com>
Sent: Wednesday, June 3, 2020 10:51 AM
To: ted.g.wise@state.or.us
Subject: bowman dam

I fully support ODFW's decision to not grant the mitigation waiver for the hydro project proposed for Bowman Dam. This is not the 1960's where the government agencies ran roughshod over the public's rights concerning fish. Though the Crooked River is a shadow of its former self, this waiver envisions that it will continue to be abused. This is not a foregone conclusion. Fish passage for adults as well as juveniles must be functioning at this not needed hydro facility.

Mike Ogle

From: Geo. Wuerthner <gwuerthner@gmail.com>
Sent: Thursday, June 4, 2020 8:45 AM
To: ted.g.wise@state.or.us
Subject: Bowman Dam hydro (Crooked River) wavier proposal

Dear ODFW:

I am opposed to the granting of a waiver to the normally required installation of a fish passage at Bowman Dam on the Crooked River to allow construction of a hydro project on the dam.

The dam and its operations has already degraded the Crooked River. Turbidity in the river is partially due to shifting flows. Chronic low flows have sometimes killed tens of thousands of fish—with no consequences to the irrigation district. How is this possible. If I killed one extra fish while angling, I'd get a fined.

Is this the way we treat "Wild and Scenic" Rivers?

The state law requires that any waiver must show that benefits to Fish and wildlife are greater than the creation of a fish passage. The applicants suggest that they will create artificial spawning beds in the Wild & Scenic section of the Crooked River, provide passage at a small dam adjacent to Prineville Golf Club on Ochoco Creek, and donate financial assistance for restoration work at the Deschutes Land Trust's new Ochoco Preserve.

While these are all worthwhile improvements, they are not a substitute for a fish passage. Indeed, these improvements should be required, along with a fish passage, to somewhat compensate for all the pass and on-going damage to the public's wildlife and water by the irrigation district.

Part of the problem is that hydro projects are granted 50-year operating licenses. It means another 50 years of no fish passage at Bowman Dam. This is unacceptable. Fish passage should be required now, regardless of any hydro project.

The current dam has blocked 500 miles of salmon and steelhead habitat. Where is the compensation to the public for that abuse of our property (our water and our wildlife)?

In addition chronic low flows continuously harm fish and aquatic ecosystems. Again why this is legal? It is clearly against the state law that requires that the state protect fish and wildlife and any private profit use must be secondary and not harm the primary public values.

Just like George Floyd, I'm tired of our wildlife being "second class citizens" to the private profits of irrigators.

Keep in mind state law only allows using public water if the use does not harm the public's resources. Clearly the operation of the Bowman Dam continues to degrade and harm the public's wildlife and water quality. Time to make them pay the piper.

I am opposed to any hydro installation without fish passage, a requirement to reduce turbidity, a requirement to put spawning gravels, a requirement to install devices to ELIMINATE GAS NITROGEN BUBBLES that can kill fish. Why is this even legal?

To reiterate. No wavier. Fish passage a must. Higher flows in winter. Less sediment in the river. Put the public's fish and wildlife first, and make irrigators start to pay something like the real cost of operations.

George Wuerthner
RESTORE OUR DESCHUTES (ROD)
POB 8359
Bend, OR 97708

From: Bill Marlett <bmarlett@gmail.com>

Sent: Friday, June 5, 2020 3:56 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Ochoco Irrigation District's Fish Passage Waiver Request for Bowman Dam – Proposed Hydroelectric Project

Dear Ted,

I oppose Ochoco Irrigation District's fish passage waiver request for the primary reason that fish passage is required to create public and private incentives to restore the degraded riparian and aquatic habitat in the upper Crooked River watershed. While the OID's mitigation package includes worthwhile actions, there is no mitigation that can substitute for fish passage which would provide access to historic habitat for anadromous spring Chinook salmon, steelhead, and Pacific lamprey in the upper Crooked River watershed.

Sincerely,

Bill Marlett
1977 NW 1st Street
Bend, OR 97703

From: kathleen.s.schroeder@gmail.com <kathleen.s.schroeder@gmail.com>

Sent: Saturday, June 6, 2020 9:55 AM

To: ted.g.wise@state.or.us

Subject: Regarding Bowman Dam

Mr. Wise,

I'm opposed to allowing a fish passage waiver at Bowman Dam.

Building a dam blocking fish passage to 500 miles of habitat was a bad idea in the first place, but to allow construction that would potentially allow another fifty years of no fish passage, would be an atrocity.

The small measures proposed in the application to help with the environmental damage, which they are causing, are measures they should have done already. To suggest these measures would compensate for fifty years of future obstruction is absurd.

It's time for irrigators to pay the FULL cost of their operations, including the entire cost of fish passage AND other environmental mitigation measures. Bowman dam has done significant environmental damage already. The State of Oregon now requires fish passage for exactly this reason, and it is a law Oregonians want enforced, not waived so that irrigators can keep profiting.

Waiving the fish passage requirement would be a slap in the face to Oregon and Oregonians. Please don't grant this waiver.

Sincerely,
Kathleen Schroeder

Sent from [Mail](#) for Windows 10

From: Dan Dorsey <drdorsey@gmail.com>

Sent: Saturday, June 6, 2020 10:21 AM

To: ted.g.wise@state.or.us

Subject: Bowman Dam Powerhouse

Greetings Mr. Wise.

As a homeowner in Central Oregon, a conservationist, and an outdoor recreational enthusiast, I wish to express my opinion on the proposed powerhouse at Bowman Dam.

1. The long term problems with the powerhouse outweigh any benefits. Upstream accessibility for migrating fish need to be reestablished, which the powerhouse would prevent.
2. Nitrogen disease in fish would not be prevented by the powerhouse.
3. The money could be better spent on other power sources, such as solar or wind farms. These have less effect on the land and are more easily removed when more efficient methods of energy production are invented and implemented.

Thank you for taking the time to listen to my concerns.

Dan Dorsey

drdorsey@gmail.com

From: Roger Sabbadini <rsabbadini@sdsu.edu>

Sent: Saturday, June 6, 2020 2:35 PM

To: ted.g.wise@state.or.us

Subject: Bowman Dam Fish Passage Waiver

TO: Ted Wise, ODFW
East Region Hydropower Program Coordinator

RE: Bowman Dam Fish Passage Waiver

I would like to voice my support of the ODFW's conclusion from its Net Benefit Analysis that the Bowman Dam fish passage waiver NOT be granted. The Ochoco Irrigation District (Applicant for the waiver) has not demonstrated sufficient rationale for the waiver. The placement of a hydroelectric facility at the Dam without the State-mandated fish passage should not be allowed because it would do irreputable damage to the fish population of the Crooked River.

Respectfully,

Roger Sabbadini, Ph.D.
Emeritus Distinguished Professor of Biology
San Diego State University
3174 NW Quiet River Lane
Bend, Oregon 97703
rsabbadini@sdsu.edu
619 787-0570 (cell)

Sperate o figli!
(have hope children!)

From: Matt <matthew.ry.erickson@gmail.com>

Sent: Saturday, June 6, 2020 9:31 PM

To: ted.g.wise@state.or.us

Subject: Bowman dam fish passage

The crooked river sears itself into the hearts and souls of Oregon trout anglers. I worked in central Oregon for a couple years and fished the Crooked regularly. Although I'm now in the valley, I often catch myself reflecting on the many warm summer nights I spent there.

As an avid steelhead fisherman I have grown to understand the obstacles facing this species recovery. I am also acutely aware of the troubles our Spring Chinook have encountered. I spend many nights thinking about these issues, wishing we had done things differently as a society. Gary Snyder said it best when he described the Russian River. "We started out fly fishing, then we started taking points off the hooks, then we took the flies off our hooks. Finally we just went swimming."

As with many instances of bleak outlooks, hope keeps the spirits alive. When I learn of dam removal projects my hope can finally grasp at something tangible. I think of the great success our Rogue river has enjoyed. The Elwah. I think of the marmot dam removal tripling the winter steelhead run. Although this isn't a dam removal, it's an opportunity to bring our fish home and for that I am hopeful.

Without wild Salmon *there is no* Pacific Northwest!

Matthew R Erickson DMD

"For several centuries Western civilization has had a drive for material accumulation, continual extensions of economic power, termed 'progress'...The longing for growth is not wrong. The nub of the problem is how to flip over, as in jujitsu, the magnificent growth energy of modern civilization into a nonacquisitive search for deeper knowledge of self and nature" - Gary Snyder

From: Chris Hyland <chris.hyland@360wisp.net>

Sent: Sunday, June 7, 2020 6:57 AM

To: ted.g.wise@state.or.us

Subject: Fish passage at Bowman Dam

I strongly support fish passage for salmon & steelhead at this dam. There will be multiple benefits for doing so. I have purchased an Oregon fishing license each year for nearly 30 years.

Chris Hyland
Walla Walla, WA

From: Eric Traeger <traegereric@gmail.com>

Sent: Monday, June 8, 2020 6:35 AM

To: ted.g.wise@state.or.us

Subject: Bowman Dam Hydro

Hi Ted, I am emailing to voice my opinion on the proposal for hydro power at Bowman Dam on the Crooked River.

I am in favor of this change IF it means fish passage is guaranteed at this location.

It's actually insulting that the exemption from the passage requirement has even been applied for. The power companies have incurred an insurmountable debt to the public by blocking passages in the first place.

Thanks for your work on this and other important projects in Oregon. And also, hi from the past! I knew you around 20 years ago when I had a distant connection to your Waldorf School there in Bend. I have been back in the Valley for years now. Your info was attached to a post on Ifish about this project.

Good blast from the past, I hope you and yours are doing well.

Eric Traeger

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Thank you,

Eric Traeger

Traeger Brothers Construction, Inc

cell 503-569-7551

email traegereric@gmail.com

From: brad staples <bradstaplesfishing@gmail.com>
Sent: Monday, June 8, 2020 8:34 AM
To: ted.g.wise@state.or.us
Subject: Bowman Dam proposed fish passage project:

Hi Ted, this is Brad Staples I would like to see fish passage at Bowman Dam. It is important to have passage for upstream as well as for downstream migrating fish. I suppose that Trap Haul for upstream fish will work, but there needs to be an efficient way to allow downstream migration, which as you know is normally a challenge.

I have been a fishing guide on the lower Deschutes River for 37 years, mostly operating a Jet Boat from the mouth upriver. I also was involved with the Fish Screening Task Force through ODFW.

Please add my comments to provide passage at Bowman Dam.

Sincerely,

Brad Staples
(503) 250-0558

From: Tod Heisler <tod@colw.org>
Sent: Monday, June 8, 2020 10:30 AM
To: ted.g.wise@state.or.us
Subject: Comments on Bowman Hydro Application

Hey Ted,

Hope all is well with you.

I was talking with Yancy Lind about this hydro application and he encouraged me to submit my comments. Here is my two cents.

Clearly the best choice for fish is passage at Bowman. You may recall that this requirement got triggered at North Canal Dam when COID Juniper Ridge Hydro was constructed over the loud objections of the irrigation districts. It would be good to understand the cost of passage at Bowman and why it wouldn't be feasible to borrow money to build it and pay off the debt with the 50-year hydro revenue stream.

The mitigation they offer seems pretty weak and I suspect a number of those things would get done anyway. If not passage, then flow enhancement and water quality improvement would be the way to go. The federal legislation at Prineville Reservoir has made it possible for OID to lease water instream and we have long advocated for them to implement a more robust leasing program that can be scaled up in drought years to protect the river.

Tod Heisler
Director, Rivers Conservation Program
Central Oregon LandWatch

From: Jeffry Gottfried <jeff@gottfried.net>

Sent: Monday, June 8, 2020 3:38 PM

To: ted.g.wise@state.or.us

Subject: Passage on the Bowman Dam

Dear Ted,

I'm writing to you in support of the construction of fish passage on the Bowman Dam for redband rainbow, steelhead and salmon. I've been fishing the Crooked River and tributaries for the past 50 years. I value and continue to enjoy this fishery very much. What has offended and frustrated me over the years is the fact that the Dam operators manage the streamflow as if no fish existed in the Crooked River. They operate the dam only for the benefit of cattle food. Fish and wildlife are not even an afterthought.

I am now very excited by the prospect of providing passage for wild fish above the dam, thereby connecting the artificially isolated populations of spectacular redband rainbows on 498 miles of river above the dam and, 63 miles of spawning habitat for steelhead and 53 miles of historic spawning and rearing habitat for Chinook salmon. It would add tremendous value to the entire Deschutes River fish passage project. As it is today, where would a steelhead of salmon that found its way into the Crooked River even spawn?

Passage of anadromous fish above the dam also has the potential of enriching the habitat for many other species of wildlife and plants. It would be a total game-changer for the overall ecology the entire Crooked River watershed. There is no way that the developers of the Dam(n) project could put in place mitigation projects that would enhance fish and wildlife and the entire watershed as much as providing passage for fish above the Bowman Dam.

I urge the Oregon Department of Fish and Wildlife to stay strong in its demand for fish passage on the Bowman Dam.

Best wishes,

Jeffry Gottfried, Ph.D.
7040 SW 84th Ave.
Portland, Oregon 97223
503-750-2416

From: Karen Erde <karen.erde@gmail.com>

Sent: Monday, June 8, 2020 4:08 PM

To: ted.g.wise@state.or.us

Subject: Fish Passage on the Crooked R.

Ted Wise, ODFW East Region Hydropower Program Coordinator,

I believe the proposed mitigation actions will not provide greater benefits than if passage were provided at the Dam. I support establishing fish passage at Bowman Dam to provide connectivity for redband trout below the dam with 498 miles of habitat above the dam. It would also provide key connectivity to 63 miles of steelhead trout habitat and 53 miles of historic spawning and rearing habitat for spring Chinook salmon, both of which are actively being reintroduced to the upper Deschutes basin.

Karen Erde

From: Craig Lacy <lacycraig@gmail.com>

Sent: Monday, June 8, 2020 4:40 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Bowman Dam Lacy

Dear Ted Wise,

First of all I would like to compliment you and ODFW for the review you have done on the hydro proposal at Bowman Dam. There is a reason the Fish Passage Task Force has this area targeted as their highest priority and you clearly explain why that is.

I am sure you are aware that the Crooked River used to be steelhead and salmon nirvana before white settlement. The depletion and extinction of beaver, irrigation withdrawals and dams, overgrazing of riparian areas, exotic species introduction and much more have contributed to their decline. Much work has been done and a lot of money has been spent in the Deschutes Basin to help them recover. getting fish passage here would be another big step in their return. Unfortunately ODFW is not that interested in helping with passage and have suggested alternate forms of mitigation that fall way short of the improvement passage would provide. ODFW states they expect to net \$300,000 a year on the project. I am curious what the gross revenues are expected to be for this 3KwH project. Bonneville Power spends over 10% of their

gross revenues on fish and wildlife, more if you include the spill requirements for salmon.

If we are to get passage at this site I propose that OID put 10% of the gross revenues, with a \$50,000 per year minimum) into a fund exclusively set aside for passage. ODFW could then try to find a way to leverage that fund into sufficient monies to actually provide passage. The agreement would have to be carefully drafted so that the money could be used for no other purpose.

Thanks for all you do,
Craig Lacy

From: Y Lind <yancy.lind@gmail.com>
Sent: Monday, June 8, 2020 5:59 PM
To: Ted Wise <Ted.G.Wise@state.or.us>
Subject: Bowman Dam Fish Passage Waiver

I oppose providing a fish passage waiver for the proposed hydroelectric plant at the base of Bowman Dam. While the cost of installing a ladder may be prohibitive, the proposed mitigation measures do not come close to providing a greater benefit to fish than opening up 500 miles of habitat and reconnecting fish in the upper Crooked River with fish in the lower Crooked River as well as other upper Deschutes Basin waterways. Further, a 50-year FERC license would preclude passage for the same amount of time.

The applicants state they will realize \$300,000 in profits a year or \$15,000,000 over the 50-year license period. In contrast, they will spend \$390,500 initially on mitigation measures at Ochoco Preserve and the small dam on Ochoco Creek, and between \$265,000 and \$471,000 on spawning gravel placement over the next 50 years. This is not close to being proportionate. Further, they do not propose a realistic solution to the gas bubble disease problem that periodically decimates fish populations in the Crooked River below Bowman Dam. The Bureau of Reclamation analysis states that there is much uncertainty on the subject but makes it clear that along with the installation of the Howellunger valves, a rock weir would have to be installed one mile below the dam to raise and slow the river to allow for gas dissipation. A rock weir is unlikely to be allowed in the Wild & Scenic section of the river, could block fish passage, and is not included in the application.

In short, the applicants have offered very little that will benefit fish in the Crooked River, certainly nothing remotely close to greater benefit than access to the upper Crooked River watershed. It is within the applicant's power to increase flows in the lower Crooked River, the single greatest problem the river faces today. They could use a significant amount of the \$15,000,000 in projected lifetime profits to purchase and restore more wetlands. They could address the serious water quality issues in the Crooked River caused by agricultural runoff from Ochoco Irrigation District patrons. They could follow the example of Deschutes Valley Water District who found partners to fund the recently completed ladder at the Opal Springs hydro facility.

In short, they are asking for much and offering very little.

Regards,

Yancy Lind

From: Thomas Pott <tcpott@mac.com>
Sent: Tuesday, June 9, 2020 10:52 AM
To: ted.g.wise@state.or.us
Subject: Fish Passage at Bowman Dam

Dear Mr Wise,

A preliminary permit to add hydropower generation at Bowman Dam on the Crooked River has triggered Oregon's fish passage requirements. The licensee has requested a waiver from the requirements and has proposed mitigation in lieu of establishing the required fish passage at the dam. ODFW's required Benefit Analysis found "that the proposed mitigation actions will not provide greater benefits than if passage were provided at the Dam." This analysis found that establishing fish passage at Bowman Dam would provide connectivity for redband trout below the dam with 498 miles of habitat above the dam. It would also provide key connectivity to 63 miles of steelhead trout habitat and 53 miles of historic spawning and rearing habitat for spring Chinook salmon, both of which are actively being reintroduced to the upper Deschutes basin. ***I am writing to encourage ODFW and the Oregon Fish Passage Task Force to deny the requested waiver. Reconnecting the Crooked River is critical to reviving abundant, wild fish in the Deschutes Basin.***

Thank you,

Thomas Pott
97555 Kimball Hill Rd.
Gold Beach, OR
97444

From: Comcast <sa_brady@comcast.net>
Sent: Tuesday, June 9, 2020 9:34 PM
To: ted.g.wise@state.or.us
Subject: Deny Fish Passage Waiver for Bowman Dam

I am writing to ask you to deny the requested fish passage waiver on the Crooked River Bowman Dam. Reconnecting the Crooked River is critical to reviving abundant, wild fish in the Deschutes Basin. Establishing fish passage at Bowman Dam would provide connectivity for redband trout below the dam with 498 miles of habitat above the dam. It would also provide key connectivity to 63 miles of steelhead trout habitat and 53 miles of historic spawning and rearing habitat for spring Chinook salmon, both of which are actively being reintroduced to the upper Deschutes basin. As a fly fisher with one ten year old fly fishing daughter and twelve year old son, I would like them to have a better environment to fish and explore. Habitat is the key to successful fisheries, and connectivity of river systems is imperative to wild trout.

Thank you for your consideration.

Sean Brady

From: John Butler <jlbutler996@gmail.com>
Sent: Thursday, June 11, 2020 9:46 AM
To: ted.g.wise@state.or.us
Subject: Bowman Dam waiver

Ted,

I oppose the fish ladder waiver for the Bowman Dam hydroelectric project. The mitigation proposed is inadequate. The Applicant needs to provide a net benefit to native migratory fish greater than that of providing fish passage at Bowman Dam. The applicants propose that they instead provide a partial solution to the gas bubble disease problem, create artificial spawning beds in the Wild & Scenic section of the Crooked River, provide passage at a small dam adjacent to Prineville Golf Club on Ochoco Creek, and donate financial assistance for restoration work at the **Ochoco Preserve**.

The installation of Howell Bunger valves will do little to resolve the gas problem, since they are only effective at flows below 275 cfs. Flows exceed 275 cfs about 25 percent of the time since the Bowman Dam was built (BoR data).

Dumping gravel into the river to augment spawning habitat is also of dubious value. Spawning habitat is not merely gravel of the appropriate size, it also at the right depth and flow. Access to the river with gravel trucks is limited which makes creating successful spawning beds unlikely.

The best spawning habitat is immediately downstream of the dam. That gravel bar is 0.4 miles downstream from the dam and is within the Wild and Scenic section of the Crooked River. It also provides the only access to the west bank below the dam. Moving heavy equipment across the stream during construction of the hydroelectric facility will imperil the best spawning habitat below Bowman Dam. One or two year classes of trout could be lost during construction unless equipment and material is brought in via helicopter.

In summary, these mitigation efforts do not offset the benefits to native migratory fish of a fish ladder at Bowman Dam. Fish passage would provide access to more than 500 miles of spawning habitat.

Thank you for considering my objections to waiving the required fish ladder.

Respectfully
John Butler, Phd.
Fishery Biologist, Retired.

From: Robin Vora <robinvora1@gmail.com>

Sent: Thursday, June 11, 2020 2:20 PM

To: ted.g.wise@state.or.us

Subject: Waiver from state's fish passage requirements for a new hydroelectric project at Bowman Dam

I support the ODFW's findings that a fish passage waiver is not justified because there are not appreciable benefits to native migratory fish greater at the mitigation site(s) compared to if passage were provided at Bowman Dam. Fish passage is important to providing habitat, and for facilitating fish movement, migration, and genetic exchange. Ochoco Irrigation District (OID) should be required to provide fish passage in association with a hydroelectric facility at Bowman Dam. The mitigation measures proposed by OID may be good projects and OID should find other partners to also implement those projects, but not at the expense of fish passage at the dam.

Robin Vora

1679 NE Daphne Ct

Bend, OR 97701



Connecting Central Oregon's Water, Land & Environment

June 9, 2020

RE: Letter of Support for Bowman Dam Hydro Power Project

TO: Oregon Department of Fish and Wildlife Fish Passage Task Force

The Deschutes Basin Board of Control (DBBC) is writing in support of Ochoco Irrigation District's (OID's) proposed installation of a small-scale hydroelectric turbine at Bowman Dam on the Crooked River. The DBBC is comprised of eight irrigation districts in rural Central Oregon that are critical to conveying water supplies throughout the Deschutes Basin to nearly 9,000 farm and ranch families, schools, and parks.

In the drought-prone West, water is, and will continue to be liquid gold. There is a critical need for pro-active sustainable conservation efforts like what is taking place in Crook County. The Bowman Dam hydropower project is part of a long-term solution with multiple benefits. The hydropower project will help the entire region through the generation of carbon-free electricity, enhance fish and wildlife habitat, improve irrigation district operations and maintenance, and provide a long-term revenue source to finance infrastructure improvements.

The DBBC is requesting Oregon Fish and Wildlife (ODFW) grant a Fish Passage Waiver that will allow the ODFW Commission to grant a license for approval so OID can move forward with the hydroelectric plant in exchange for other fish habitat improvements.

Fish passage at Bowman Dam would be technically very difficult and extremely expensive. The effectiveness of fish passage would be questionable, and revenues generated by the proposed hydroelectric project would not likely be sufficient to fund the construction and operation of passage facilities.

Electricity generated at Bowman Dam will provide the surrounding communities with a consistent source of renewable energy and ensure long-term sustainability. A portion of the revenue generated by the project will be used by OID to support water conservation projects. This is welcome news for our drought-prone region, which is faced with increasing demands on limited water supply.

Please accept this letter of support from the DBBC for this important project.

Sincerely,

Craig Horrell
DBBC President

PO Box 919 - Madras, OR 97741

Deschutes Basin Board of Control Member Districts

Arnold Irrigation District • Central Oregon Irrigation District • Lone Pine Irrigation District • North Unit Irrigation District

Ochoco Irrigation District • Swalley Irrigation District • Three Sisters Irrigation District • Tumalo Irrigation District

DBBC President - Mike Britton, 541-475-3625; mbritton@northunitid.com



June 11, 2020

VIA ELECTRONIC MAIL TO: ted.g.wise@state.or.us

Ted Wise
East Region Hydropower Program Coordinator
Oregon Department of Fish and Wildlife
61374 Parrell Road
Bend, OR 97702

Re: Fish Passage Requirement Waiver – Bowman Dam

Dear Mr. Wise,

The Oregon Natural Desert Association (“ONDA”) provides these comments in regard to the Fish Passage Waiver Request for a proposed hydroelectric facility at Bowman Dam on the Crooked River.

ONDA is a non-profit, public interest organization with more than 10,000 members and supporters dedicated to the conservation of eastern Oregon’s public lands and waters. Founded in 1989, ONDA’s mission is to protect, defend, and restore Oregon’s high desert. ONDA has made significant investments in stream and riparian restoration projects on the South Fork of the Crooked River. This restoration has been focused on restoring fish habitat, stream complexity, and improving wetland and riparian conditions. We have invested in this work because we have a strong interest in seeing healthy native fish populations, including iconic steelhead trout and Chinook salmon, in the Crooked River system. We see incredible restoration potential and we are encouraged by the progress that has been made at our project sites and throughout the watershed where other organizations, agencies and landowners have invested in conservation and restoration.

As described in your analysis, the proposed mitigation will not provide a net benefit to native migratory fish populations compared to providing fish passage at Bowman Dam. Passage at Bowman Dam would provide access to 498 miles of upstream habitat and provide numerous ecological benefits. While all of this habitat would not be suitable for anadromous species, the benefits would also accrue to resident species as increased genetic exchange between currently isolated populations would enhance overall fitness. Based on this as well as the other data, information and analysis provided in your report, we strongly support your recommendation that a fish passage waiver be denied. We encourage the Fish Passage Task Force and the Oregon Fish and Wildlife Commission to accept your recommendation and deny a fish passage waiver.

We recognize that fish passage at this site would be expensive and technically complex. Nevertheless, the potential ecological benefits of fish passage are significant, especially when considered over the 50-year span of a FERC license and in the context of the broader investments in fisheries restoration that are occurring throughout the Deschutes River basin, including the Crooked River. These investments will likely bring growing populations and more need for upstream habitat, and it is important that Bowman

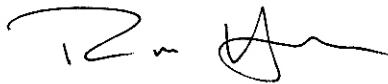
Dam not be a barrier to successful reintroduction over the term of its potential 50-year license. The passage-related decisions made today should be in the context of how restoration successes may improve conditions and expand populations in the future so that the management of the Bowman Dam site can facilitate, not hinder, long-term fisheries restoration over the coming decades.

We recommend that ODFW, the applicant, and other collaborating agencies or non-governmental organizations develop a comprehensive evaluation of how fish passage could be accomplished. This evaluation should examine creative, solutions-oriented approaches to how public and private partners may be able to come together to help make fish passage possible. This could include creative partnerships between the applicants, non-profit organizations, and state and federal agencies to identify how a complex and expensive project like this could be technically and financially viable. The evaluation should be made available for public review and comment before being finalized. This investment of time and resources is worth it given the significant ecological potential of accessing this amount of upstream habitat.

If, after this exhaustive evaluation where every possible solution has been explored, ODFW determines that passage is impossible, then large-scale mitigation should be developed to meet the net benefit requirements under Oregon Statute and Administrative Rule. At a minimum, mitigation should include guaranteed minimum instream flows for fish as determined by ODFW and the establishment of a secondary water right to protect those instream flows from diversion by other water rights holders for the entirety of the focal stream reach. Fish passage in other parts of the Crooked River watershed may also need to be part of the mitigation package to meet the net benefit requirements.

Thank you for the opportunity to comment on this important matter. Please feel free to contact me if you have questions or would like additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Houston', with a stylized flourish at the end.

Ryan Houston
Executive Director
Oregon Natural Desert Association

50 SW Bond St., Suite 4
Bend, OR 97702
541-330-2638 | rhouston@onda.org

-----Original Message-----

From: Richard Fitterer <sjorich@outlook.com>

Sent: Sunday, June 14, 2020 7:39 PM

To: ted.g.wise@state.or.us

Subject: Ochocco Irrigation District /Bowman Dam Fish Passage

Ted

This should be a no brainer. The OID must do all of there mitigation measures AND provide Fish Passage.

The ODFW opinion indicates Passage provides way more benefit than the proposed Mitigation Measures and should be listened to by the Commission.

Also we expect ODFW to coordinate all activities to restore steelhead to the upper reaches of The Crooked River i.e. the new Opal Springs Fish Passage and the Round Butte SSW which is intended to have greater of steelhead returns at some point in the future.

Even though the SSW project has been a complete failure with respect to downstream migrants surely ODFW will get on the bandwagon to do something that works like maybe acclimation and downstream trucking that will have many more returns than the SSW. That's when having Fish Passage in the whole system will make a big difference.

So let's have OID pay the piper to reap their financial benefits

Rich Fitterer
10425 Sundance Ln
Redmond, Or

Sent from my iPhone

From: Pete Hawkins <pdhhawk@gmail.com>

Sent: Monday, June 15, 2020 6:22 AM

To: ted.g.wise@state.or.us

Subject: Bowman Dam

A serious review of OID's proposed mitigations for a fish passage waiver at Bowman Dam shows that said mitigations are not merely inadequate, but also carry the risk of greater damage to the already stressed fish habitat in the Crooked River.

At a time when environmental damage from river dams is at last being taken seriously, OID's application is half a century out of date. If OID wants a permit for a HE facility at Bowman Dam, at least make them respect the fish. No waiver.

Peter Hawkins, COF member
20247 Sawyer Reach Ct
Bend, OR

Bowman Dam Hydroelectric Project

I don't support the fish latter waiver for the Bowman Dam hydroelectric project. I've been a resident of this beautiful state for three years. Ever since I moved here I have fished the Crooked River. I have heard many stories about the history of the Crooked river. How great the fishing used to be. How it totally almost disappeared a few years ago. Now its on its way back.

This is just another example of Ochoco irrigation district(applicant) looking for a way to benefit them and not the fishing community.

This scenic and wild river should never be changed to benefit a private entity. There offer of installing Howell Bunger valves is nothing more the a disceptive offer that will be of no benefit to the fish or the river.

Please don't let this waiver go though.

Thank you

Tim Derry

COF member

702-339-3950

From: Richard D. Graham <rdgraham58@yahoo.com>

Sent: Monday, June 15, 2020 1:49 PM

To: ted.g.wise@state.or.us

Subject: Fish Ladder

Ted,

I am in total agreement with John Butler

Bowman Dam Hydroelectric Project

I oppose the fish ladder waiver for the Bowman Dam hydroelectric project. The mitigation proposed is inadequate. The Applicant needs to provide a net benefit to native migratory fish greater than that of providing fish passage at Bowman Dam. The applicants propose that they instead provide a partial solution to the gas bubble disease problem, create artificial spawning beds in the Wild & Scenic section of the Crooked River, provide passage at a small dam adjacent to Prineville Golf Club on Ochoco Creek, and donate financial assistance for restoration work at the Ochoco Preserve.

The installation of Howell Bunger valves will do little to resolve the gas problem, since they are only effective at flows below 275 cfs. Flows exceed 275 cfs about 25 percent of the time since the Bowman Dam was built (BoR data).

Dumping gravel into the river to augment spawning habitat is also of dubious value. Spawning habitat is not merely gravel of the appropriate size, it also at the right depth and flow. Access to the river with gravel trucks is limited which makes creating successful spawning beds unlikely.

The best spawning habitat is immediately downstream of the dam. That gravel bar is 0.4 miles downstream from the dam and is within the Wild and Scenic section of the Crooked River. It also provides the only access to the west bank below the dam. Moving heavy equipment across the stream during construction of the hydroelectric facility will imperil the best spawning habitat below Bowman Dam. One or two year classes of trout could be lost during construction unless equipment and material is brought in via helicopter.

In summary, these mitigation efforts do not offset the benefits to native migratory fish that installing a fish ladder at Bowman Dam. Fish passage would provide access to more than 500 miles of spawning habitat.

Thank you for considering my objections to waiving the required fish ladder.

Respectfully,

Richard D. Graham COF



June 15, 2020

Oregon Fish and Wildlife Commission
4034 Fairview Industrial Dr. SE
Salem, OR 97302

Mr. Ted Wise
ODFW East Region Hydropower Program Coordinator
61374 Parrell Road
Bend, OR 97702,

RE: Comments regarding Fish Passage Waiver Request for Bowman Dam by the Ochoco Irrigation District

Dear Oregon Fish and Wildlife Commissioners and Mr. Wise,

The Great Old Broads for Wilderness Bitterbrush Broadband chapter respectfully requests that the Oregon Fish and Wildlife Commission (OFWC) deny the Fish Passage Waiver request as proposed by the Ochoco Irrigation District (OID). Our Bitterbrush Broadband chapter is part of a national grassroots organization founded in 1989 on the 25th anniversary of the Wilderness Act. Our organization's mission is to engage and inspire activism to preserve and protect wilderness, wild lands and public lands. We also support restoration of native fish and wildlife species and their habitats. Our members include retired lawyers, scientists, and government personnel including fish biologists with considerable knowledge of matters relating to native fish in the Crooked River basin. Some of our members are also avid anglers that fish the Crooked River.

General Comments

The Crooked River historically supported native populations of spring Chinook salmon, summer steelhead, redband trout, bull trout, mountain whitefish, and many non-game fish. With the completion of Bowman Dam, redband trout are the only native game fish left in the upper basin, and reside primarily in the headwaters of smaller tributaries located on federally owned public lands. Restoring connectivity of habitats in the Crooked River with the Deschutes River is an essential part of restoring native fish populations to sustainable, harvestable populations,

particularly in light of the ongoing and future stresses of climate change. Restoration of rivers, particularly portions of the Crooked River that are designated as Wild and Scenic, are important for the many public values of fish and wildlife populations and their associated health, recreation, scientific, spiritual, educational, aesthetic and other outdoor values.

Bowman Dam was completed in 1961 and created Prineville Reservoir at approximately RM 70 on the Crooked River. Fish passage was not included in the construction of Bowman Dam even though anadromous steelhead were present throughout the basin when the dam was completed. Restoration of anadromous fish in the Crooked River including spring Chinook salmon and summer steelhead has been underway for over a decade with the relicensing of the Pelton Round Butte Project, owned by Portland General Electric (PGE) and the Confederated Tribes of Warm Springs Reservation of Oregon (CTWSRO). The restoration effort has included a wide range of partners including the owners of the Pelton Round Butte dams, watershed councils, environmental and conservation groups, the U.S. Fish and Wildlife Service and U.S. National Marine Fisheries Service, state agencies including the Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality, and Oregon Watershed Enhancement Board, and many other organizations.

This past fall in November 2019, fish passage was restored at Opal Springs Dam on the lower Crooked River by a coordinated effort including the owner, Deschutes Valley Water District, the Crooked River Watershed Council, ODFW and others. Since the ladder was completed, thousands of fish have been documented using the ladder to freely move up and down the lower Crooked River and as far upstream as Bowman Dam. Fish species documented using the Opal Springs ladder include spring Chinook salmon, summer steelhead, redband trout, bull trout, mountain whitefish and several nongame fish species. Restoring fish passage at Opal Springs reconnected fish populations between the Deschutes River and 130 miles of the lower Crooked River and its tributaries.

There are approximately 500 miles of habitat upstream of the Prineville Reservoir that have been blocked by Bowman Dam and inaccessible to migratory fish since 1961. Studies by PGE and CTSWRO during their relicensing demonstrated that the Upper Crooked River and its tributaries were some of the most significant historic spawning and freshwater rearing habitat for spring Chinook and summer steelhead in the Deschutes Basin. While much of the upper basin has been degraded by livestock grazing and irrigation withdrawals for over 120 years, even back in the late 1940s Chinook salmon were reported by residents of the upper basin.

The Oregon State Game Commission indicated that Chinook salmon were likely present when Bowman Dam was under construction in the 1950s but no surveys were conducted. Steelhead were caught by anglers in the upper basin in the 1950s. Steelhead were also documented by the Oregon Fish Commission with fish traps and redd surveys in upper basin tributaries

including Drake, Horseheaven, Twelvemile, Paulina and Beaver creeks, and in the lower North Fork Crooked River despite turbid stream conditions, difficult access, and few surveys.

The Great Old Broads Bitterbrush chapter recommends that the OFWC require upstream and downstream passage at Bowman Dam. In the event that the OFWC selects a fish passage waiver, than the Broads request that OFWC require much more substantive mitigation than that proposed by OID in their application.

Fish Passage Waiver Application

OID proposes a hydroelectric project that would have a hydraulic capacity of 80 to 400 cfs, a 1 MW turbine and a 2 MW turbine, and an estimated annual power output of 15,000 MWH. The project would operate “run of release” using water that is released for irrigation, flood control and fish and wildlife purposes. The applicants seek a 50 year license for the project.

When Bowman Dam was constructed, it was intended for irrigation, flood control, and fish and wildlife. It is owned by the U.S. Bureau of Reclamation but is operated by the Ochoco Irrigation District (OID). While Bowman Dam has largely met the intended goals for irrigation and flood control, the dam and its operations have caused environmental impairment to the river and its native aquatic species. These include highly regulated flows for irrigation deliveries and storage in Prineville Reservoir, blocked fish passage, and other impacts to native fish including elevated total dissolved gas (TDG, specifically nitrogen supersaturation) during high flow events.

OID has submitted a request to the Federal Energy Regulatory Commission and the State of Oregon to install a hydroelectric facility at the base of Bowman Dam. OID has also requested a fish passage waiver from ODFW since Oregon statutes require fish passage at dams undergoing significant changes. Oregon law (ORS 509.585 (4, 7a and 7b)) and administrative rule (OAR 635-412-0025 (1) (2)) require fish passage or a fish passage waiver can be granted if the applicants provide other benefits to fish and wildlife that are greater than the benefit of fish passage. Instead of fish passage, OID proposes that they provide a partial solution to the TDG nitrogen supersaturation problem via the hydroelectric project. While this is not mitigation per se it is a possible ancillary benefit that may or may not occur as a consequence of installing hydroelectric facilities. As mitigation the applicants propose to create artificial spawning beds in the Wild & Scenic section of the Crooked River below the dam, provide passage at a small dam adjacent to Prineville Golf Club on Ochoco Creek that adds 2.25 more miles of reconnected fish habitat, and donate financial assistance for restoration work at the Deschutes Land Trust’s new Ochoco Preserve at the confluence of Ochoco and McKay Creeks and the lower Crooked River.

The estimated costs for these three activities proposed as mitigation for not doing passage over Bowman Dam are 1) gravel augmentation - approximately \$265,000 to \$471,000 over 50 years, 2) passage at small dam on Ochoco Creek - contribute \$90,000 in funds to the Crooked River Watershed Council fish passage project on Ochoco Creek downstream of Ochoco Dam, and 3)

Ochoco Preserve - \$200,000 contribution to the Deschutes Land Trust to help fund the Ochoco Preserve restoration project at the confluences of Ochoco and McKay Creeks and the Crooked River. The grand total for these three mitigation projects, at the highest cost estimate for gravel augmentation is \$761,000.

Net Benefit to Fish

OID claims that the cost of installing passage would exceed the anticipated revenue generating capacity of the hydropower facility and preclude conservation and water quality improvement projects. However, the applicants estimate \$300,000 a year in profits. Assuming no rate increases over 50 years, OID would receive a financial benefit of \$15,000,000. We find the proposed mitigation shockingly inadequate for restoration of fish habitat in the Crooked River, and a net benefit for OID, not native fish populations. The proposed mitigation fails to meet the standard for a “greater benefit” as required by law. We strongly object to issuing a fish passage waiver that allows a big financial benefit to OID, and largely continues the harm caused by the dam, irrigation water deliveries, and the highly regulated flows that will continue to harm native fish for another 50 years. Further, the proposed project would delay restoration of fragmented habitat above and below Prineville Reservoir and Bowman Dam for another 50 years.

Recommendations

We urge the OFWC to strongly consider requiring upstream and downstream fish passage at Bowman Dam. To ensure successful restoration of native fish populations by fish passage that has been completed by owners of the Pelton Round Butte complex and Opal Springs, a forward vision is needed to continue successful reconnection of fish populations to historic habitat upstream of Bowman Dam.

We recognize that the OFWC is under considerable political pressure to allow a fish passage waiver at Bowman Dam. If the OFWC approves this waiver, substantive mitigation measures must be imposed on OID. We suggest the following mitigation measures that would meet a much higher bar for restoring habitat and native fish than the minimal measures that have been proposed by OID:

- 1) Require OID to lift their protest against the instream water right submitted to the Oregon Water Resources Department (OWRD) in 1990. This 30 year protest has never been resolved by OWRD.
- 2) Require OID to meet instream flow water right targets year round in the lower Crooked River and McKay Creek, and Ochoco Creek tributaries as stated in the 1990 instream water right applications. Restored flows should not only meet the instream water right target, but should be water that is conserved instream. We also recommend that leasing not be used to fulfil the instream water right flows since over time leasing requires an ever greater amount of funds and are also subject to being revoked.

Or alternatively,

3) Require fish passage at Ochoco Dam in lieu of passage at Bowman Dam. There are nearly 450 miles of suitable habitat in Ochoco Creek and tributaries that was formerly occupied by spring Chinook salmon and summer steelhead. Passage of salmonids including summer steelhead and mountain whitefish regularly occurred over the spillway during overflow years until reconstruction of the dam by the U.S. Bureau of Reclamation in 1949-1950. Ochoco Dam is a much smaller dam, would require substantially less cost in retrofits, and could provide reconnection to historic habitat that is less degraded than habitat above Bowman Dam.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Richter". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Joanne Richter, Co-leader
Central Oregon Bitterbrush Broadband
Great Old Broads for Wilderness

From: efhughes3@att.net <efhughes3@att.net>
Sent: Monday, June 15, 2020 6:14 PM
To: ted.g.wise@state.or.us
Subject: Bowman Dam Fish Passage Waiver Application-OPPOSED!

Mr. Wise,

I fully oppose granting a waiver for a fish ladder in the Bowman Dam Hydro project. I know a lot of intelligent people with provide more scientific evidence to support their opposition than I can. But, from my layman point of view, I wonder how many exceptions we can force on marine species in Central Oregon until we realize we've totally lost all that is good here, and we are beyond repair?

The fish NEED full access to the entire river. Let's give it to them.

Secondly, there is nothing but shortcuts proposed in everything else to do with this program, including the gas bubble disease mitigation supposedly offered by artificial spawning beds. It's a half-a\$\$ed approach to accelerate the approval of the waiver, and get the hydro pumping out cash.

They anticipate a long multi-year waiver with a substantial income garnered over the term, with very little (relatively speaking) cash outlay to do anything remotely conservation-wise. Enough is enough. We need to protect our natural resources. I've been pro-farm until now, but I'm starting to believe that our area could reap more economic benefit by restoring our natural resources.

Ed Hughes
4537 SW Zenith Ave.
Redmont, OR 97701

June 15, 2020

RE: Letter of Support for Ochoco Irrigation District's Fish Passage Waiver Request

Dear ODFW Fish Passage Waiver Task Force,

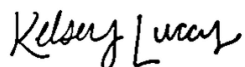
On behalf of Prineville/Crook County Economic Development, I would like to express my support for Ochoco Irrigation District's (OID) request for a fish passage waiver (FPW) in order to install a small 3-MW hydroelectric turbine at Bowman Dam on the Crooked River. To provide some background, Prineville/Crook County Economic Development operates through Economic Development for Central Oregon (EDCO), a non-profit corporation founded in 1981, with the mission of creating a diversified local economy and strong base of middle-class jobs in Central Oregon. We assist in recruiting companies and industry to move to the Central Oregon region; help entrepreneurs start new, scalable businesses; and work with businesses that are already here to grow their operations, as well as administering State tax incentives for the region.

Many of our larger industrial and tech businesses have phased into running renewable operations and this project would allow the public sector in Prineville to follow suit, continuing to make Crook County a green energy hub. Not only would this provide green energy opportunities for approximately 15% of residents, but this would improve overall water quality in the Crooked River as well. The project will be low-impact, with no effects to entrainment, ramping rates, flow fluctuations, channel scour, or sedimentation, and will produce minimal impacts to habitats downstream from the Bowman Dam throughout the duration of construction. Without this waiver, the annual revenue will not be able to cover passage costs and therefore the project, green energy generated, water quality improvements, and habitat enhancements associated are not feasible.

The proposed hydro project offers a host of environmental and economic benefits for the City of Prineville and Crook County. Electricity generated at Bowman Dam will provide our rural community with a consistent source of renewable energy and ensure long-term sustainability to continue serving existing and new residents as the community continues to grow. A portion of the revenue generated by the project will be used by OID to support future water conservation projects, such as updated irrigation systems for farming operations, water conservation efforts, and habitat innovation and preservation. Mitigation methods include reduction of dissolved gas, fish screening, and gravel augmentation to preserve the fish and wildlife environment in the Crooked River.

Thank you for the opportunity to share my support for OID's FPW request as an imperative precursor to the installation of a hydropower project at Bowman Dam and green energy to over 1,400 homes in Crook County. Please contact me if I can provide you with any further information.

Sincerely,



Kelsey Lucas
Prineville/Crook County Director
Economic Development for Central Oregon

From: David Row <david@waterwatch.org>

Sent: Tuesday, June 16, 2020 4:00 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

David Row

From: Maisie Planchon <dkrow88@Hotmail.com>

Sent: Tuesday, June 16, 2020 4:07 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,

Maisie Planchon

From: Meghan Planchon <dkrow88@hotmail.com>

Sent: Tuesday, June 16, 2020 4:20 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

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Thank you for your consideration.

Sincerely, Meghan Planchon

From: Steve Sheehy <sheehy.s@charter.net>

Sent: Tuesday, June 16, 2020 4:24 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

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Thank you for your consideration.

Sincerely, Steve Sheehy

From: Gerald Brown <gnbpdx@comcast.net>

Sent: Tuesday, June 16, 2020 4:29 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Dear Ted Wise:

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Thank you for your consideration.

Sincerely, Gerald Brown

From: Sherry Brainerd <BrainerdS@GMail.com>

Sent: Tuesday, June 16, 2020 4:29 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely, Sherry Brainerd

From: Tracy Buckner <sakuratag@me.com>

Sent: Tuesday, June 16, 2020 4:29 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely

Tracy Buckner

From: Delores Porch <verandafay@gmail.com>

Sent: Tuesday, June 16, 2020 4:38 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

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Thank you for your consideration.

Sincerely,

Delores Porch

From: Jacqueline O'Keefe <jokeefe@lclark.edu>

Sent: Tuesday, June 16, 2020 4:43 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River in advance.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

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Thank you for your consideration.

Sincerely,

Jacqueline O'Keefe

From: Marielle Cowdin <marielle.therese@gmail.com>

Sent: Tuesday, June 16, 2020 4:51 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,
Marielle Cowdin

From: John Smeraglio <john@flyfishingdeschutes.com>

Sent: Tuesday, June 16, 2020 4:57 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

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Thank you for your consideration.

Sincerely,

John Smeraglio

From: jim miller <jmillerent@msn.com>

Sent: Tuesday, June 16, 2020 5:00 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,

jim miller

From: Mike Brinkley <mbrinkle@comcast.net>

Sent: Tuesday, June 16, 2020 5:01 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

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Thank you for your consideration.

Sincerely,

Mike Brinkley

From: Keith Kreuz <keithkreuz@comcast.net>

Sent: Tuesday, June 16, 2020 5:06 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Thank you for your consideration.

Sincerely,

Keith Kreuz

From: Megan Hooker <megan.hooker@gmail.com>

Sent: Tuesday, June 16, 2020 5:08 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

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Thank you for your consideration.

Sincerely,

Megan Hooker

From: Michael Samples <msamples57@gmail.com>

Sent: Tuesday, June 16, 2020 5:11 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

•
Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,

Michael Samples

From: Hans Purdom <Loowitboy@gmail.com>

Sent: Tuesday, June 16, 2020 5:23 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Thank you for your consideration.

Sincerely,
Hans Purdom

From: Lyn Berling <mberling@sbcglobal.net>

Sent: Tuesday, June 16, 2020 5:36 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you encourage the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

We specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Lyn Berling

From: Tye Steinbach <tyeorjoans@mail.com>

Sent: Tuesday, June 16, 2020 5:46 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,

Tye Steinbach

MEMO

TO: Ted.g.wise@state.or.us

FM: John R Anderson, Prof. Entomology (emeritus)

RE: Comments about an application by OID, City of Prineville & Crook County to construct a hydroelectric facility at Bowman Dam.

It is my opinion that any fish ladder waiver for this project should require that the existing Crooked River Collaborative Water Security and Jobs Act of 2014 be modified to include the following actions:

- 1) Include ODFW among the designated agencies that make decisions about seasonal flows released from the Prineville Reservoir to serve irrigation and fisheries needs. (Although ODFW is responsible for managing fish populations in the Crooked River it is, unbelievably, not designated as a participant in making agency decisions about seasonal flows).
- 2) Require a mandatory minimum flow of 100 cfs below Bowman Dam during the non-irrigation (winter) months.
- 3) Require all concerned agencies (BOR, OID, USF&WS, ODFW, etc.) to develop and implement a mandatory dry year management plan that addresses both irrigators and fisheries needs throughout the year.

Lastly, I recommend that representatives for the applicants review the scientific literature to determine if there is any factual data supporting their suggestion that the problem of gas bubble disease can be partially solved by installing a rock weir in the river downstream of Big Bend Campground. Literature citations supporting this suggestion should be submitted with a new application.

From: Steven Goldberg <baetis1@me.com>

Sent: Tuesday, June 16, 2020 6:00 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

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Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Steven Goldberg

From: Barrett Edgar <seacliff4@gmail.com>

Sent: Tuesday, June 16, 2020 6:14 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

The best alternative is to remove the Bowman Dam! But if that can't be done then a fish ladder should be installed.

I Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Thank you for your consideration.

Sincerely,

Barrett Edgar

From: Bryan Sohl <bsohlmfm@mac.com>

Sent: Tuesday, June 16, 2020 6:28 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,
Bryan Sohl

From: s klof <jsklof@yahoo.com>

Sent: Tuesday, June 16, 2020 6:41 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,

s klof

From: Peter Murray <murrayp@bendnet.com>

Sent: Tuesday, June 16, 2020 7:00 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,

Peter Murray

From: Peter Ware <flyfishman@aol.com>

Sent: Tuesday, June 16, 2020 7:05 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Thank you for your consideration.

Sincerely,

Peter Ware

From: Dale Madden <dalemadd2004@yahoo.com>

Sent: Tuesday, June 16, 2020 7:09 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Dale Madden

From: John Risley <pdxjcr@gmail.com>

Sent: Tuesday, June 16, 2020 7:35 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

John Risley

From: John Schlosser <jesattorney@gmail.com>

Sent: Tuesday, June 16, 2020 7:47 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

John Schlosser

From: Clint Brumitt <rcbrumitt@comcast.net>

Sent: Tuesday, June 16, 2020 7:52 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

As a person who was raised in Bend in the 1960's and learned of the former extent of the anadromous fisheries in the interior portions of the state I support any action that assist in bringing back the wild fish to their former habitat. I support the efforts of Waterwatch to make it happen.

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Clint Brumitt

From: Mike Layne <mike.layne@gmail.com>

Sent: Tuesday, June 16, 2020 7:59 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Mike Layne

From: Corinne Sherton <djmccs@comcast.net>

Sent: Tuesday, June 16, 2020 8:28 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Corinne Sherton

From: James Rhoten <jerhoten@yahoo.com>

Sent: Tuesday, June 16, 2020 8:33 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

James Rhoten

From: Lee and Marilyn Rengert <rengert6680@comcast.net>

Sent: Tuesday, June 16, 2020 8:40 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

after enjoying Oregon's rivers and fishing opportunities for 35 years, I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

My wife, Marilyn and I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

- Commitment to provide permanent instream flow for fish;

- Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

- Flow targets based on ODFW's "balanced flows" for the Crooked River;

- Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

-

Thank you for your consideration.

-

-Sincerely,

Lee and Marilyn Rengert

From: Rayna Koberstein <orayna@pdx.edu>

Sent: Tuesday, June 16, 2020 8:50 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

•
I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Rayna Koberstein

From: Dennis Hebert <dnns_hebert@yahoo.com>

Sent: Tuesday, June 16, 2020 9:23 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Dennis Hebert

From: Fran Recht <franrecht@gmail.com>

Sent: Tuesday, June 16, 2020 9:50 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Fran Recht

From: Kevin Quinn <Qman714@hotmail.com>

Sent: Tuesday, June 16, 2020 10:39 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely

Kevin Quinn

From: Gordon Baker <gordon15baker@gmail.com>

Sent: Wednesday, June 17, 2020 6:02 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Gordon Baker

From: Edward House <edw.house@frontier.com>

Sent: Wednesday, June 17, 2020 6:52 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

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Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Edward House

From: Amanda Burgess <aburgess@lclark.edu>

Sent: Wednesday, June 17, 2020 6:52 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

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Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Amanda Burgess

From: Tom Derry <tom@nativefishsociety.org>

Sent: Wednesday, June 17, 2020 7:12 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Tom Derry

From: Gloria and Bob Ziller <bccorelse@frontiernet.net>

Sent: Wednesday, June 17, 2020 7:34 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

From: Jack Stephens <jack@hfore.com>

Sent: Wednesday, June 17, 2020 7:45 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Jack Stephens

From: Dax Messett <daxmessett@aol.com>

Sent: Wednesday, June 17, 2020 8:30 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Dax Messett

From: Jen Matthews <shopbox33@gmail.com>

Sent: Wednesday, June 17, 2020 8:34 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Jen Matthews

From: Peter Stephens <pstephe@gmail.com>

Sent: Wednesday, June 17, 2020 9:00 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely, Peter Stephens

From: Sam McCormick <scnmccormick@gmail.com>

Sent: Wednesday, June 17, 2020 9:21 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely, Sam McCormick

From: Howard Boyd <jimboyd15@comcast.net>

Sent: Wednesday, June 17, 2020 9:25 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely, Howard Boyd

From: Chuck Gehling <chuck50fis@aol.com>

Sent: Wednesday, June 17, 2020 9:33 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration and thanks for all of your hard work over the years and in helping in the Hood River Basin with our issues.

Sincerely,
Chuck Gehling

From: Paul Kaplan <pkaplan@uoregon.edu>

Sent: Wednesday, June 17, 2020 9:44 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Paul Kaplan

From: Lawrence Nagel <nagel@mind.net>

Sent: Wednesday, June 17, 2020 10:09 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely, Lawrence Nagel

From: Rafe Pilling <rafepilling@gmail.com>

Sent: Wednesday, June 17, 2020 10:13 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Mr Wise,

First, I want to say thank you for denying the Ococho Irrigation District's passage waiver application and that if they continue to push for a waiver that you ask the F&W Commission to demand the mitigation be instream flow restoration and protection.

Second, I hope that you and your department do the following:

- Require fish passage to open up 500 miles of habitat in the Upper Crooked Watershed
- Protect the flow instream from Bowman Dam to Lake Billy Chinook
- Withdraw the Ococho Irrigation District's protest of the F&W instream water right on the lower Crooked River

Is it critical we rebuild our fish habitats and protect our rivers and waterways. thank you for your consideration,

Rafe Pilling

From: Kathleen Roche <kathleensroche@gmail.com>

Sent: Wednesday, June 17, 2020 10:15 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Kathleen Roche

From: michael mcavoy <mcavoymjm@gmail.com>

Sent: Wednesday, June 17, 2020 10:17 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

Thank you and ODFW in its efforts to ensure that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced. As someone who fishes, hikes, recreates and generally enjoys the Crooked River and the surrounding area (and spends money in the community when I do), the protection of this river and watershed is important. We have a great opportunity here to improve the river, opening up hundreds of miles of habitat for endangered fish and FINALLY stop this log-jam of water rights issues on the Crooked.

I therefore:

- Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;
- Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;
- Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

- Commitment to provide permanent instream flow for fish;
- Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;
- Flow targets based on ODFW's "balanced flows" for the Crooked River;
- Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
michael mcavoy

From: bree schaider <breezaround@gmail.com>

Sent: Wednesday, June 17, 2020 10:29 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
bree schaider

From: Bob Bumstead <bumstead@pacificu.edu>

Sent: Wednesday, June 17, 2020 10:37 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Bob Bumstead

From: Stephanie Snyder <aloaflovr@yahoo.com>

Sent: Wednesday, June 17, 2020 10:44 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

Oregon wouldn't be Oregon w/o her fish. Please make sure everything that can possibly be done to protect the fish is done.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Stephanie Snyder

From: Zechariah Heck <zheck24@gmail.com>

Sent: Wednesday, June 17, 2020 10:52 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

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Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Zechariah Heck

From: Daniel Robinhold <drobinhold@comcast.net>

Sent: Wednesday, June 17, 2020 11:06 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Daniel Robinhold

From: Kyan Bartel <volcom_kb@yahoo.com>

Sent: Wednesday, June 17, 2020 11:20 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Kyan Bartel

From: Kevin Bartel <kevinmbartel@gmail.com>

Sent: Wednesday, June 17, 2020 11:23 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Kevin Bartel

From: David Heller <daheller@aol.com>

Sent: Wednesday, June 17, 2020 11:50 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced. Their analysis of the proposed waiver was thorough and their conclusions well-grounded to deny the waiver.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
David Heller

From: Jean Edwards <jeanedwards@zoho.com>

Sent: Wednesday, June 17, 2020 11:53 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I am a longtime fan of the Crooked River, Lake Billy Chinook, Deschutes River.

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration. Jean (Hillsboro, OR)

Sincerely,

Jean Edwards

From: Don McCartney <dcmmcarty@earthlink.net>

Sent: Wednesday, June 17, 2020 12:29 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely, Don McCartney

From: Robert Bernstein <bobbo1946@yahoo.com>

Sent: Wednesday, June 17, 2020 1:03 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Robert Bernstein

From: Paul Martinsen <repoint33@comcast.net>

Sent: Wednesday, June 17, 2020 2:07 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

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Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Paul Martinsen

From: Lynn Kitagawa <lynnkit@earthlink.net>

Sent: Wednesday, June 17, 2020 2:09 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

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Thank you for your consideration.

Sincerely,
Lynn Kitagawa

From: Mark Davis <joanmarkdavis@yahoo.com>

Sent: Wednesday, June 17, 2020 2:14 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

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Thank you for your consideration.

Sincerely,
Mark Davis

From: Steve Jarratt <srnet530@msn.com>

Sent: Wednesday, June 17, 2020 2:16 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

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Thank you for your consideration.

Sincerely,
Steve Jarratt

From: William Van Buskirk <soundtraveling@yahoo.com>

Sent: Wednesday, June 17, 2020 2:23 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

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Thank you for your consideration.

Sincerely,

William Van Buskirk

From: Fred Pendergast <f.pendergast@sbcglobal.net>

Sent: Wednesday, June 17, 2020 3:03 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

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Thank you for your consideration.

Sincerely,

Fred Pendergast

From: Merry Ann Moore <merryannmoore@gmail.com>

Sent: Wednesday, June 17, 2020 3:15 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
Merry Ann Moore

From: Mary Bailey <maryjbailey@gmail.com>

Sent: Wednesday, June 17, 2020 3:18 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
Mary Bailey

From: garth wyatt <wyattgarth@hotmail.com>

Sent: Wednesday, June 17, 2020 3:58 PM

To: ted.g.wise@state.or.us

Subject: Comments on Bowman Dam fish waiver request

Hello Mr. Wise,

Please see my attached comments regarding the issuance of a fish passage waiver at Bowman Dam. Thank you for the opportunity to comment.

Garth Wyatt
Oregon City, Oregon

From: Don Burton <wan2bfishn@gmail.com>

Sent: Wednesday, June 17, 2020 4:03 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
Don Burton

From: Walter Petty <wpetty33@netscape.net>

Sent: Wednesday, June 17, 2020 5:10 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Walter Petty

From: Christopher Swensen <cswensen@gmail.com>

Sent: Wednesday, June 17, 2020 5:28 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Thank you for your consideration.

Sincerely,
Christopher Swensen

From: Dennis Hebert <dnns_hebert@yahoo.com>

Sent: Wednesday, June 17, 2020 7:16 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Dennis Hebert

From: Marilyn Stinnett <keeplearning2@yahoo.com>

Sent: Wednesday, June 17, 2020 7:46 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
Marilyn Stinnett

From: Miles Johnson <miles.b.johnson@gmail.com>

Sent: Wednesday, June 17, 2020 8:28 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Thank you for your consideration.

Sincerely,
Miles Johnson

From: Henry Holmes <happyholmes904@yahoo.com>

Sent: Wednesday, June 17, 2020 9:13 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Thank you for your consideration.

Sincerely,
Henry Holmes

From: Dick Sagara <dsagara54@gmail.com>

Sent: Thursday, June 18, 2020 6:36 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
Dick Sagara

From: Nolan Lathrop <nolanlathrop@gmail.com>

Sent: Thursday, June 18, 2020 7:10 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Nolan Lathrop

From: Craig Young <craig@youngtrout.com>

Sent: Thursday, June 18, 2020 7:39 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Thank you for your consideration.

Sincerely,

Craig Young

From: Phil Fischer <Philfischer@sbcglobal.net>

Sent: Thursday, June 18, 2020 7:53 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Thank you for your consideration.

Sincerely,
Phil Fischer

From: Linda Stouch <lindastouch@gmail.com>

Sent: Thursday, June 18, 2020 7:53 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

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Thank you for your consideration.

Sincerely,
Linda Stouch

From: Sonja Nisson <snisson@msn.com>

Sent: Thursday, June 18, 2020 8:00 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Sonja Nisson

From: Gerald Honl <jrhonl@msn.com>

Sent: Thursday, June 18, 2020 8:22 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Gerald Honl

From: David Davies <dsdavis@comcast.net>

Sent: Thursday, June 18, 2020 9:13 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

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Thank you for your consideration.

Sincerely,
David Davies

From: John Hamilton <jhamilto@mind.net>

Sent: Thursday, June 18, 2020 9:29 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

John Hamilton

From: Mary Susan Cooney <coastartist@gmail.com>

Sent: Thursday, June 18, 2020 10:11 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

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Thank you for your consideration.

Sincerely,
Mary Susan Cooney

From: Robert Watzke <robertwatzke89@gmail.com>

Sent: Thursday, June 18, 2020 10:27 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
Robert Watzke

From: Douglas Dragoo <doug@paragonaz.com>

Sent: Thursday, June 18, 2020 10:54 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Douglas Dragoo

From: Peter Ware <flyfishman@aol.com>

Sent: Thursday, June 18, 2020 11:01 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Peter Ware

From: shannon johnson <boogabeen@gmail.com>

Sent: Thursday, June 18, 2020 11:23 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
shannon johnson

From: Peter Martin <pcmartin@bendbroadband.com>

Sent: Thursday, June 18, 2020 12:06 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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As a Central Oregon resident I fish the Crooked and am an active member of the fly fishing group that picks up the litter along the Crooked River Highway. Our project map shows we have been trying to keep the Crooked clean since 1995.

Fish passage would allow access above Post on the S. Fork, into the wilderness study area of the North Fork Crooked, and other streams exiting the Ochoco National Forest.

Thank you for your consideration.

Sincerely,
Peter Martin



ASSOCIATION OF NORTHWEST STEELHEADERS

6641 SE Lake Rd. Milwaukie, OR 97222

office@anws.org • (503) 653-4176

June 18th, 2020

Ted Wise
Oregon Department of Fish and Wildlife
ted.g.wise@state.or.us
(541) 633-1115

The Association of Northwest Steelheaders represents hundreds of conservation minded sport anglers throughout Oregon. We find the Bowman Dam fish passage waiver proposal unacceptable. The proposed mitigation in lieu of providing passage at Bowman Dam does not exceed the benefit of Bowman Dam passage.

With fish passage now provided at Opal Springs, it is time to make the approximately 400 miles of habitat above Bowman Dam again available to migrating fish.

While fish passage is the preferred alternative. Other mitigation, providing improved downstream habitat could be added to a suite of mitigation actions that could in combination be found to exceed the benefit of providing passage.

Sincerely,

Chris Hager
Executive Director
Association of Northwest Steelheaders

From: Jessica Beauchemin <jess@jessbfit.com>

Sent: Thursday, June 18, 2020 12:58 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Jessica Beauchemin

From: Doug Heiken <dougheiken@gmail.com>

Sent: Thursday, June 18, 2020 3:39 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Doug Heiken

From: sabolch horvat <sabolch.horvat+action@gmail.com>

Sent: Thursday, June 18, 2020 5:17 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
sabolch horvat

From: Donna Harris <kermit.donna@gmail.com>

Sent: Thursday, June 18, 2020 6:19 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

Donna Harris

From: David Grant <d2avid@charter.net>

Sent: Thursday, June 18, 2020 7:33 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,

David Grant

-----Original Message-----

From: caryn graves <caryn@lmi.net>

Sent: Thursday, June 18, 2020 7:30 PM

To: ted.g.wise@state.or.us

Subject: Fish passage is needed at the Bowman Dam on Oregon's Crooked River

Mr. Wise,

I am writing to you today to request that you please deny the waiver requesting "mitigation actions", rather than have fish passage at the Bowman Dam. Reconnecting the Crooked River is critical to reviving abundant, wild fish in the Deschutes Basin. Thank you for your time and attention.

Sincerely,

Caryn Graves

Berkeley, CA

From: Dennis Hardman <dennis.hardman@outlook.com>

Sent: Thursday, June 18, 2020 8:38 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
Dennis Hardman

From: StepHen Erickson <serickson50@gmail.com>

Sent: Thursday, June 18, 2020 8:50 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

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Thank you for your consideration.

Sincerely,
StepHen Erickson

-----Original Message-----

From: Elden Rosenthal <eldenpdx@gmail.com>

Sent: Thursday, June 18, 2020 9:35 PM

To: ted.g.wise@state.or.us

Subject: Bowman dam

Dear Mr. Wise – I urge you to stand by ODFW's analysis of the need to provide fish passage at Bowman Dam if hydroelectric permits are to be granted. It will be of great benefit preserving redband trout, and to reestablishing steelhead and salmon runs.

Thank you.

Elden Rosenthal

-----Original Message-----

From: Ron Romeis <wrromeis@gmail.com>

Sent: Friday, June 19, 2020 6:31 AM

To: ted.g.wise@state.or.us

Subject: Crooked River

Please do not allow a waiver from the fish passage requirement on the Crooked. This poor river is abused enough as it is. The management of this fishery is abominable, with excessive flows, erratic dam management, total disregard for the health of the fishery. As a Central Oregon resident and regular visitor to the Crooked River, I plead with you to continue the ODFW's efforts to protect this wonderful river.

Thank you.

Ron Romeis

wrromeis@gmail.com

"Will fish for food"

From: larry goldsmith <lgoldy2249@gmail.com>

Sent: Friday, June 19, 2020 6:41 AM

To: ted.g.wise@state.or.us

Subject: Reconnect the Crooked

Dear Mr. Wise

The number one reason for the demise of migrating wild fish from the Middle Ages to present time has been and continues to be the damming of our rivers. Rivers that were once alive and active with healthy fish populations are now empty of migrating fish. I ask that you please do not move forward with the "proposed mitigation". We need proven fish passage to keep the habituate viable for migrating fish.

Lawrence Goldsmith

ODFW's required Benefit Analysis found "that the proposed mitigation actions will not provide greater benefits than if passage were provided at the Dam." This analysis found that establishing fish passage at BowmanDam would provide connectivity for redband trout below the dam with 498 miles of habitat above the dam. It would also provide key connectivity to 63 miles of steelhead trout habitat and 53 miles of historic spawning and rearing habitat for spring Chinook salmon, both of which are actively being reintroduced to the upper Deschutes basin.

From: Randall K. Davis <randicator@hotmail.com> Sent: Monday, June 15, 2020 9:03 AM
To: ted.g.wise@state.or.us
Subject: Fish passage waiver at Bowman Dam

Dear Ted:

I would like to provide a comment in opposition to the fish passage waiver at Bowman Dam. Where do I address my comments to? I have reviewed ODFW's Benefit Analysis and agree with their conclusions and recommendations that a fish passage waiver not be granted.

Yours truly,

Randall K. Davis

JIM MYRON

Natural Resource Consultant

P. O. Box 675

Canby, OR 97013

503.819.5589

myrons@canby.com

June 19, 2020

To: ODFW Fish Passage Task Force

Re: Bowman Dam Fish Passage Waiver

I agree with the decision of ODFW staff to deny the fish passage waiver application of the Ochoco Irrigation District for Bowman Dam. Their proposed mitigation plan would not provide a “net benefit” for native migratory fish in the Crooked River.

I first began fishing the Crooked River below Bowman Dam in 1966. My two boys learned to fish in this reach of the river. It was a wonderful experience that helped shape the lives of my sons and they have passed on the love of the outdoors to their children.

In the mid-1970s I became concerned with the overuse of the river and the fact that there was trash accumulating everywhere. I convinced the then state director of the Bureau of Land Management to do something about the problem. That led to the construction of the first pit toilets in the BLM managed section of the river below the dam and was the beginning of development of the numerous recreational facilities that now exist there.

In the 1990s I was working for native fish advocacy organization called Oregon Trout. Our advocacy included working with ODFW on fish screening and passage issues. For decades, the state of Oregon had required that screens be installed at all water diversions and that passage be provided at all man-made barriers to fish migration. However, ODFW had been thwarted in the implementation of those requirements. That led to the establishment of a legislative working group to review and update the fish passage laws to make them more meaningful and enforceable. I represented Oregon Trout in the lengthy process that led to changes in the passage laws.

Those negotiations were difficult at times. The one issue that took the most amount of time and effort was the question of what to do about the many dams in Oregon that had been built without adequate fish passage, in violation of the law. Those representing the dam owners and irrigation interests argued that it would be just too costly to force everyone to comply with the law. A compromise was finally reached that now requires dam owners and operators to address the fish passage issue anytime a “triggering event” occurs. The application of ODFW to get a permit to install a hydroelectric power plant at the dam is such an event.

The Bureau of Reclamation and the Ochoco District have operated Bowman Dam for six decades without providing fish passage. Their track record on protecting fish in the Crooked River over this period of time is less than stellar. Trusting them to do the right thing for fish now is a true leap of faith.

My recommendation is that OID provide passage at the dam, build those costs into the cost of the hydro project and amortize those costs over the operating life of the hydro facility. If they still prefer to secure a waiver in lieu of fish passage their mitigation plan would have to provide at least one more fish than would be provided by passage

Perhaps the OID and BOR should consider funding a multi-million dollar ongoing effort to improve streamflows and water quality in the Crooked River watershed above Bowman Dam. If there was a healthy functioning ecosystem in the upper basin there would be more water for fish and all other users as well.

.

Sincerely,

Jim Myron

From: James Campbell <jcampbell113@gmail.com>

Sent: Friday, June 19, 2020 7:36 AM

To: ted.g.wise@state.or.us

Subject: Please deny hydropower generation at Bowman Dam permit

Ted,

Please deny the requested waiver. It is imperative for native fish - one of our region's most valuable resources, that the Crooked River be reconnected and that this hydropower generation permit be denied.

Best,

James Campbell

From: Brian Oliver <beoliver@eoni.com>

Sent: Friday, June 19, 2020 8:07 AM

To: ted.g.wise@state.or.us

Subject: Fish passage at Bowman Dam

I'm asking that you deny the waiver for fish passage at Bowman Dam and require said fish passage to open up more habitat for redband trout, steelhead, and salmon on the Cooked River. Our native fish are in peril and need all the help we can give them for their continued survival. If they have the habitat they will find a way.

Thanks,

Brian Oliver
82858 Russell Ln
Joseph, Or 97846

Sent from [Mail](#) for Windows 10

June 19, 2020

Ted Wise, Eastern Region Hydropower Program Coordinator
Oregon Department of Fish and Wildlife
61374 Parnell Road
Bend, OR 97702

Submitted via electronic mail – ted.g.wise@state.or.us

Dear Mr. Wise:

The Deschutes River Alliance (DRA) submits these comments in response the Oregon Department of Fish & Wildlife's analysis and recommendations for Ochoco Irrigation District's (OID) Fish Passage Waiver application for the Proposed Hydroelectric Project at Bowman Dam.

The DRA is a science-based advocacy organization seeking collaborative solutions to basin-wide threats to the health of the Deschutes River and its tributaries, including the Crooked River. We advocate for water quality, a healthy ecosystem, and for the establishment and protection of robust populations of resident and anadromous fish throughout the river's entire watershed. As such, we support ODFW's denial of OID's Fish Passage Waiver application and accompanying call for stronger mitigation efforts to result in a net benefit to NMF throughout the Deschutes Basin.

DRA agrees that OID's currently proposed mitigation in lieu of fish passage would not result in a net benefit to the Deschutes Basin's native migratory fish (NMF). While DRA supports ODFW's decision to deny OID's currently proposed Fish Passage Waiver application, we believe that increased mitigation efforts in a future application that focus on increasing flows, decreasing sources of nutrient pollution, and reducing in-stream temperatures in addition to expanding OID-proposed mitigation, could ultimately result in a net benefit to NMF over potential fish passage at Bowman Dam.

Increasing flows in the Crooked River and its tributaries is an essential step to ensuring a net benefit for the Deschutes Basin's NMF compared to fish passage at Bowman Dam. Currently, the Crooked River and its tributaries below Bowman Dam experience long periods of inadequate flows. This creates issues with access to spawning habitat, stranding, and associated

water quality issues from low flows. To increase benefit for NMF, requiring OID to purchase and permanently return instream water rights throughout the lower Crooked River sub-basin would increase and ensure reintroduction efforts are effective and sustainable by adding miles of accessible habitat. Increasing flows would have the additional benefit of lowering instream water temperatures closer to the biologically-based state water quality standards.

By reducing nutrient pollution in the lower Crooked River sub-basin, water quality will improve and affected NMF will see benefits. Currently, the Crooked River exceeds state water quality standards for multiple criteria, including D.O. and pH. Nutrient pollution is a direct contributing factor for these exceedances.

The Crooked River then contributes to violations in both Lake Billy Chinook and the lower Deschutes Rivers – both of which are used by affected NMF. Additionally, high nutrient levels increase algal growth and impact invertebrate food sources for NMF. To address these nutrient pollution issues, DRA advocates for increased vegetative buffering and cattle fencing along the Crooked River and its tributaries. These increased mitigation efforts will greatly benefit reintroduction efforts and contribute to a net benefit to affected NFM by significantly reducing water quality-based environmental pressures.

The Deschutes River Alliance supports the ODFW Staff recommendations to deny the Fish Passage Waiver application currently proposed by OID. Without additional and expanded mitigation efforts, the proposed plan will not result in a net benefit to NMF in the Deschutes Basin. By increasing flows and decreasing nutrient pollution, on top of expanding OID-proposed mitigation efforts, DRA believes that NMF could see a net benefit as compared to fish passage at Bowman Dam.

Sincerely,



Sarah Cloud
Executive Director
Deschutes River Alliance

-----Original Message-----

From: rlc314 <rlc314@peoplepc.com>

Sent: Friday, June 19, 2020 9:40 AM

To: ted.g.wise@state.or.us

Subject: Support for Fish Passage at Bowman Dam on the Crooked River

Dear Mr. Wise:

As a child I spent some of the best times of my life fly fishing with my father on the Deschutes and Crooked rivers. It is difficult to understand why we allowed the construction of a dam in such an important river system. I support establishing fish passage at Bowman Dam to restore connectivity to habitat above the dam. This step is critical to reconnect the upper river for native wild trout and anadromous runs such as steelhead and chinook salmon. Clearly providing fish passage is the right thing to do to preserve and protect our fisheries that are now adversely impacted by decoupling them from the existing prime habitat above the dam.

I agree that the proposed mitigation actions will not provide greater benefits than providing fish passage at the dam. Thank you for taking action to deny the requested waiver by the licensee for mitigation in lieu of providing fish passage.

Sincerely,

Rich Curtis
PO Box 451
Ethel, WA 98542



June 19, 2020

Mr. Ted Wise, East Region Hydropower Program Coordinator
Oregon Department of Fish & Wildlife
61374 Parrell Road
Bend, OR 97702

Dear Mr. Wise,

Central Oregon LandWatch submits these comments on the Bowman Hydropower Fish Passage Waiver Application submitted by Ochoco Irrigation District, City of Prineville and Crook County to the Oregon Department of Fish & Wildlife. In summary, Central Oregon LandWatch strongly supports ODFW's recommendation to deny the passage waiver, as it does not propose sufficient net benefit to native migratory fish.

Central Oregon LandWatch ("LandWatch") is a conservation organization, which has advocated for preservation of natural resources in Central Oregon for over 30 years. With over 200 members in Central Oregon, LandWatch has worked on water resource issues in the Deschutes River Basin and in gaining special protection for Whychus Creek and the Metolius River and spring systems. LandWatch has lately been particularly concerned about flows in the region's rivers and streams, the impacts of irrigation diversions, and maintenance of flows in the River's key tributaries including the Crooked River. We continue to be interested in supporting an efficient irrigation-based farming community throughout Central Oregon.

In 1961, when Bowman Dam was completed, there was little understanding or appreciation of the adverse ecological consequences of its construction. In hindsight, we know just how devastating the dam has been for the Crooked River aquatic ecosystem and its iconic fish species, particularly Mid-Columbia Steelhead, Chinook salmon, and Bull Trout. The Upper Crooked River Basin comprises a significant portion of the total historical steelhead habitat found in the Deschutes Basin. Nearly Bowman Dam blocked 500 miles of stream habitat. This project, and many like it in the mid-Columbia region, led to steep declines in summer steelhead populations and its ultimate listing as threatened under the federal Endangered Species Act.

Beginning thirty years ago, plans began to be formulated to reintroduce steelhead and Chinook to the Upper Deschutes Basin. Through the cooperation of the Confederated Tribes of Warm Springs, Portland General Electric, state and federal agencies, non-profit organizations, irrigation districts, water utilities and local governments approximately \$200 million has been invested to reintroduce steelhead and Chinook to the upper basin in one of many efforts for recovery of the species.



Today, sixty years later, an opportunity exists to maintain the agricultural water supply and flood control purposes of Bowman dam while generating green energy and reconnecting the river for fish and wildlife. Ochoco Irrigation District, the City of Prineville, and Crook County have decided to take a different course, however, proposing to install a hydroelectric facility at Bowman Dam without providing fish passage. Their application for a fish passage waiver claims that the habitat above Prineville Reservoir is unsuitable for anadromous fish and that the cost of fish passage is not economically feasible.

Certainly, it is true that fish habitat above Prineville Reservoir could benefit from some restoration and the streamflows regularly dry up by the end of the summer. What better incentive is there for habitat restoration than the possibility of fish passage to the Upper Crooked River Basin? The critical times for steelhead, however, are April/May for spawning, juvenile outmigration and juvenile rearing as well as Nov/Dec timeframe for adult in-migration. During those periods, water availability above Bowman Dam is good. Average inflows to Prineville Reservoir during April/May are approximately 750 cfs. Average inflows in November and December are 70 cfs and 300 cfs, respectively.

It is also true that the cost of passage is high. Over the past thirty years, however, private organizations and public entities have joined forces to remove passage barriers formally thought to be insurmountable. Through intensive cooperation and work by many parties, passage has been achieved at Pelton Round Butte, Cline Falls, and North Canal Dam on the Deschutes. Whychus Creek had eight barriers and all but one are now gone. On the Crooked River, passage has been achieved at Opal Springs, Stearns dam and other locations. Given the high ecological importance associated with connecting the Lower Crooked River to its 500 stream miles in the upper basin, passage should not be so quickly dismissed as an option.

Instead of passage at Bowman Dam, the fish passage waiver application offers mitigation measures. These measures fall short, however, of the legal requirement that the mitigation provide a net benefit to native migratory fish, i.e. a greater benefit than would be achieved through fish passage at the dam.

One of the more important problems to solve below Bowman Dam is the gas bubble disease in fish caused by the dissolved gasses that develop periodically during high spring outflows from the dam. One of the mitigation measures offered by the waiver applicants is the installation of Howell Bunger valves. The applicants make claims about the performance of these valves in reducing dissolved gasses, however, that are not verifiable. The 2018 Bureau of Reclamation study on which these claims are based indicates the high uncertainty associated with this approach. The study says, “[t] here is too much uncertainty to draft a table of TDG (total dissolved gas) levels for a range of Howell Bunger bypass releases from 0-2,725 cfs. Based on qualitative information, it may be possible to reduce TDG saturation to 113% at 1500 cfs releases.” There is little certainty that the Howell Bunger valves will prevent or reduce gas



bubble disease in fish and it would be too speculative to consider it a beneficial mitigation measure.

The other three mitigation measures proposed by the applicants, gravel augmentation, fish passage in Ochoco Creek, and Deschutes Land Trust restoration project, are moderately beneficial but do not generate a benefit greater than fish passage. An alternative mitigation measure that the waiver applicants could execute with great certainty and big benefit is streamflow enhancement in the Lower Crooked River.

Streamflow Enhancement

With passage of the Crooked River Collaborative Water Security and Jobs Act of 2014, Ochoco Irrigation District gained new federal authority to enhance flows in the Crooked River Basin through water conservation projects and water leasing transactions. The Act also allocated the surplus water behind Bowman dam in Prineville Reservoir, water not under BOR contract by irrigators, to be used to enhance streamflows in the Crooked River for the benefit of fish. In combination, these provisions in the federal Act give irrigators and agencies new capabilities to support the reintroduction of Steelhead and Chinook salmon through streamflow restoration in the Crooked River Basin.

Increasing flows in the Lower Crooked River is a high priority for the fishery. Restoring flows to levels needed to meet the life cycle history needs of anadromous fish would be a valuable mitigation option. Studies by ODFW's Hardin in 2011 assessed a set of enhanced flows designed to meet the needs of irrigators and fish.

Calculations using existing inflow and outflow records show that providing a minimum flow of 140 cfs year-round for Steelhead in the Prineville Valley reach of the Crooked River (PV-1) is optimal but would use about 41,600 acre-feet more stored water than is used under present operations in a median year (Hardin 2011a). Reducing flows below 140cfs in certain months could maintain 90% or better fish habitat (WUA) in PV-1 and use about 20,000 acre-feet less storage compared to the constant flow of 140 cfs. These recommended monthly flows for the Lower Crooked River are shown below.

Recommended flows in the Lower Crooked River (from Hardin 2011a)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Flows in CFS	80	100	140	140	140	120	120	100	100	100	100	80

The recommended flows were modeled to determine their impact in normal/wet years and in dry years on irrigation district water supply. Actual data from water years 1995, 1996, and 1997 were used to assess the effects in normal/wet years and actual data from water years 2012, 2013, and 2014 were used to assess impacts in dry years (Greg Kannan, 2019). In both of these scenarios (wet and dry), sufficient water was available to provide the recommended



flows for fish and meet all the needs of Ochoco Irrigation District and North Unit Irrigation District.

Normal-Wet Year Water Budget			
	WY1995	WY1996	WY1997
Unregulated Inflow (AF/yr)	206,493	292,112	319,670
Fishery Releases (AF/yr)	-79,657	-79,657	-79,657
OID Diversions (AF/yr)	-47,140	-47,190	-47,165
NUID Diversions (AF/yr)	-45,675	-18,817	-21,560
Additional Res. Release (AF/yr)	-66,940	-	-
		136,879	176,524
Dry Year Water Budget			
	WY2012	WY2013	WY2014
Unregulated Inflow (AF/yr)	155,417	118,651	119,760
Fishery Releases (AF/yr)	-79,657	-79,657	-79,657
OID Diversions (AF/yr)	-55,960	-57,970	-55,285
NUID Diversions (AF/yr)	-13,023	-11,892	-11,976
Additional Res. Release (AF/yr)	-32,256	0	0

In only 2-15% of years the Crooked River Basin experiences very dry years such as the 1990, 1991, and 1992 water years. When these very dry years were modeled, there was not enough water to meet the recommended flows for fish and the irrigation demands. In these types of years, flows for fish and irrigation demands would have to be reduced in order to fairly share the scarce water resources. The recommended flows in very dry years are displayed below. Alongside the reduced flows for fish, a 45% reduction in irrigation demands is needed to balance the water budget in the very dry years. (Greg Kannan, 2019)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Recommended flows												
Very Dry Year	60	60	60	60	60	60	60	46	52	60	60	60

These flows only apply to the very dry years in the 85%-98% exceedance range. A very dry year declaration to trigger these flows should be based on reservoir contents and snowpack on April 30th and reservoir inflows and outflows.



Very Dry Year Water Budget (Reduced Demands)			
	WY1990	WY1991	WY1992
Unregulated Inflow (AF/yr)	68,628	66,908	66,353
Fishery Releases (AF/yr)	-41,610	-41,610	-41,610
OID Diversions (AF/yr)	-26,029	-26,029	-26,029
NUID Diversions (AF/yr)	-20,910	-20,910	-20,910
Additional Res. Release (AF/yr)	-12,975	0	0

Based on this analysis, a reasonable alternative mitigation measure would be streamflow enhancement in the Lower Crooked River at the recommended levels for normal and very dry years. The recommended flows in this two-tier system are not optimal for fish, but they are adequate for fish and allow for irrigators to be well served in most years. In the very dry years, both fish and farmers would have to take less water. These streamflow enhancements would significantly improve anadromous fish habitat in a manner that is feasible for the waiver applicants to implement.

We strongly recommend that the applicants request for a waiver be denied, that fish passage be evaluated more closely, and that feasible alternatives capable of generating a true net benefit, such as streamflow enhancement, be identified and assessed.

Sincerely,



Ben Gordon
Executive Director
Central Oregon LandWatch



From: Anne-marie Anantha <annemarie.anantha@gmail.com>

Sent: Friday, June 19, 2020 9:42 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Anne-marie Anantha

From: Justin Boucher <jtboucher@icloud.com>

Sent: Friday, June 19, 2020 10:19 AM

To: ted.g.wise@state.or.us

Subject: Crooked river dam

A preliminary permit to add hydropower generation at Bowman Dam on the Crooked River has triggered Oregon's fish passage requirements. The licensee has requested a waiver from the requirements and has proposed mitigation in lieu of establishing the required fish passage at the dam.

ODFW's required benefit analysis found "that the proposed mitigation actions will not provide greater benefits than if passage were provided at the Dam." This analysis found that establishing fish passage at Bowman Dam would provide connectivity for redband trout below the dam with 498 miles of habitat above the dam. It would also provide key connectivity to 63 miles of steelhead trout habitat and 53 miles of historic spawning and rearing habitat for spring Chinook salmon, both of which are actively being reintroduced to the upper Deschutes basin. I encourage the agency to deny the waiver and require fish passage.

Thank you, Justin Boucher

Sent from my iPhone

From: Brian Emerick <brian@emerick-architects.com>

Sent: Friday, June 19, 2020 12:20 PM

To: ted.g.wise@state.or.us

Subject: Bowman Dam fish passage

Hey Ted-

I just wanted to comment on the proposed changes to the Bowman Dam on the Crooked River for power generation. I am a 7th generation Oregonian and avid outdoorsman and have spent much time on both the Crooked River and the Deschutes. Over the years I have been saddened to see our salmon and steelhead numbers continue to decline. With all of the reinvestment by PGE in the Pelton Dam complex as part of that relicensing, many of us were hopeful to see those fish in the basin begin to recover. Adding fish passage to the Bowman dam would help to reinforce that public investment and make a meaningful contribution to spawning access for our threatened fish. I encourage ODFW to stand firm on that requirement and not allow for other mitigation efforts in lieu of this requirement.

Thank you for your time,

BRIAN EMERICK PRINCIPAL | AIA
EXTENSION 201



321 SOUTHWEST FOURTH AVE #200
PORTLAND OR 97204 T 503 235 9400

From: Robinson Kurth <robikelly@earthlink.net>

Sent: Friday, June 19, 2020 12:55 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

Please do not allow short-sighted approaches to this important water shed issue.
Demand that the streams and the fish using them are protected and will thrive.
Thank you.

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;
Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;
Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;
Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;
Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)
Thank you for your consideration.

Sincerely,
Robinson Kurth

From: Michael Drais <okiedokie33@gmail.com>

Sent: Friday, June 19, 2020 2:30 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Michael Drais

From: David Tetrick <dtetrick@gmail.com>
Sent: Friday, June 19, 2020 3:13 PM
To: ted.g.wise@state.or.us
Subject: Bowman Dam on the Crooked River

Dear Mr. Wise,

I am writing today to request that you and the Oregon Fish Passage Task Force deny the waiver of required fish passage for the hydropower project proposed for Bowman Dam. Based on the Benefit Analysis, the mitigation efforts proposed by dam operators will not provide greater benefits than if fish passage were provided, and we should choose the greater benefit for our ecosystems and our fish stocks. There is nothing better we can provide to resident and anadromous fish in our great state than free flowing rivers, but absent that opportunity on rivers already dammed, I hope we can provide the next best thing: good fish passage that allows spawning and growth throughout the basin.

Thank you,

David Tetrick
Oregon resident

From: Marilynne Keyser <mtkeyser@gmail.com>

Sent: Friday, June 19, 2020 7:52 PM

To: ted.g.wise@state.or.us

Subject: Opposition to OID's request for a fish ladder waiver at Bowman Dam

Dear Mr. Wise,

The Board of Directors of Friends and Neighbors of the Deschutes Canyon Area (FANs) opposes Ochoco Irrigation District's fish passage waiver request for the primary reason that fish passage is required to create public and private incentives to restore the degraded riparian and aquatic habitat in the upper Crooked River watershed. While the OID's mitigation package includes worthwhile actions there is no mitigation that can substitute for fish passage which would provide access to historic habitat for anadromous spring Chinook salmon, steelhead, and Pacific lamprey in the upper Crooked River watershed.

Sincerely,

Marilynne Keyser, President

Friends and Neighbors of the Deschutes Canyon Area (FANs)

www.fansofdeschutes.org

mtkeyser@gmail.com

541-923-0558

From: Sam S. <bajafir@gmail.com>

Sent: Saturday, June 20, 2020 9:28 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Sam S.

From: Daniel Belenky <dbelenky@yahoo.com>

Sent: Saturday, June 20, 2020 9:31 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

I also specifically ask for:

1) Full support for additional Nuclear Power Plants in Oregon so that Hydroelectric power is unnecessary. Nuclear Energy is the only environmentally benign, essentially Carbon Free energy source available. Hydroelectric dams are an environmental disaster.

2) Significant lowering of the Boman Dam and installation of LARGE fish ladders.

3) Installation of pumps as necessary to supply water to the Ochoco Irrigation District.

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Thank you for your consideration.

Sincerely,

Daniel Belenky

From: Tim Quinton <cgtimq@gmail.com>
Sent: Saturday, June 20, 2020 9:57 AM
To: ted.g.wise@state.or.us
Subject: CROOKED RIVER HYDROELECTRIC FACILITY

Dear Mr Wise, I am writing to you to express my opinions regarding the proposed hydro facility at Bowman Dam on the Crooked River. I am a lifelong fly fisherman, a resident of Oregon for 13 years (on and off) and a retired Coast Guard veteran. I am also currently the President of Central Oregon Flyfishers, the largest fly fishing club in Oregon. I am writing to you today as a private citizen, not as the President of COF, but I am drawing on some voices that I've heard from my club as well as my own thoughts on this issue.

I am in agreement with ODFW's position on the Hydro project - that it will not provide a net benefit to native migratory fish populations compared to providing fish passage at Bowman Dam. Further, there are many questions that have not been answered (or even brought up) in this project: will an Environmental Impact Statement be required, will permits need to be issued from the Army Corps of Engineers, what will be the impact of building the hydro project, what will be the impact of "adding gravel to the streambed" (ie: what will the large trucks do to the streambed when they add gravel, and other similar concerns)?

All of these questions will have a significant impact on the project, and they have not been addressed. I've heard from a couple of COF members who said that by approving the waiver, we'll at least get something for the river. I am in favor of getting something for the river. But in this case I don't feel that the benefit will be substantial enough to warrant the waiver. I understand that OID said they would not realize a profit large enough to allow for building fish passage. Have they investigated any grant avenues to make up for the difference? At this time it appears that OID is doing the absolute minimum for their waiver, and this is not good enough.

I am not totally opposed to the hydro project itself - they just need to do it right. Thank you for the opportunity to express my concerns here, I appreciate it.

Sincerely, Tim Quinton
Commander, USCG, Ret.

From: William Mosser <billmosser@gmail.com>

Sent: Saturday, June 20, 2020 10:15 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
William Mosser

From: Alan LHOMMEDIEU <alan.lhommedieu@gmail.com>

Sent: Saturday, June 20, 2020 10:34 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

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Thank you for your consideration.

Sincerely,
Alan LHOMMEDIEU

COMMENTS ON BOWMAN DAM FERC HYDROELECTRIC APPLICATION

Mark Manion
60976 Amethyst St.
Bend, OR
June 20, 2020

Overall, I find the proposed mitigation entirely inadequate for a project of this scope and especially considering OID plans to block passage of anadromous fish permanently. PGE is working hard to move anadromy upstream and OID should be getting with the program and re-opening habitat for salmon and steelhead.

The Howell-Bunger valve should be required by ODEQ regardless of whether the hydroelectric project was planned. It is their job to enforce water quality standards and by allowing continued gas supersaturation the irrigation district is allowed to break a law that all others must follow. The valve appears to be a carrot being dangled to get turbines installed.

The proposed placement of gravel downstream of Bowman Dam is a good idea but completely inadequate in scope. I've done these type of projects myself and found that bedload movement in rivers is huge. Gravel placement projects in the Deschutes between Crane Prairie Dam and Wickiup reservoir and Fall River were entirely successful but thousands of cubic yards of gravel were placed all at once. Five-hundred cubic yards every 3 years will do nothing, a drop in the bucket.

Another element that is necessary with gravel placement is spawning cover. Laying out gravel is fine but fish need cover during spawning too (boulders and whole trees). Gravel is only one component of bedload there are many size particles that need to be moved downstream specifically fines that rebuild riparian areas. Without fines riparian plants have no place to root and grow. An adequate gravel mitigation project would supply thousands of cubic yards every year and include fines which would settle out in the river margins. The proposal appears to be another carrot.

The passage at Ochoco Creek appears to be another carrot. The golf course should fund their own passage (outside funds are usually available to assist) or get rid of the dam and find another way to divert irrigation water. ODFW should enforce existing fish passage laws if the golf course won't do it voluntarily. Carrots!

It seems the real issue is the attitude of OID, they just don't seem willing to join the future which is restoration of anadromy to former salmon and steelhead habitat. That's gold for the City of Prineville, Crook County, farmers and ranchers and the people in Crook County. A better approach to a hydroelectric project would have been for OID to say we would like to restore salmon and steelhead to the upper Crooked River basin and partially fund it with a hydroelectric project, can you do anything to help? This would attract much outside interest and funding to go with it. Heck, I'll bet the local tech giants would join the effort. This is the future, jump onboard!

ODFW, do not waive fish passage at Bowman Dam.....HELL NO!

From: Marty Urman <irongoat23@hotmail.com>

Sent: Saturday, June 20, 2020 3:00 PM

To: ted.g.wise@state.or.us

Subject: Crooked River

Dear Mr. Wise;

I am writing to support the fish passage at Bowman Dam. Connecting the river through fish passage measures will help trout and salmon move throughout the watershed. Connectivity is key to the survival of these fish.

Sincerely,

Marty Urman

in support of Native Fish

-----Original Message-----

From: Tom Wideman <tom@widemans.com>

Sent: Saturday, June 20, 2020 6:04 PM

To: ted.g.wise@state.or.us

Subject: Crooked River Hydro rather than fish passage based on misinformation

I began fishing the Crooked over 25 years ago, while living northwest of Seattle. A weekend trip but always worth it, regardless of time of year. (Also fished the Deschutes when it was still a Blue Ribbon trout stream and loved the Steelhead fishing that once existed there. Sad!) I had a stroke in 2016 which greatly affected my balance. When, several months later, I got a new primary Physician, he asked about my recovery, I said, simply, "I still fish the Crooked." His response was, "Nothing wrong with you!"

I have seen OID's video and heard conflicting testimony from professionals and fisheries biologists I know personally. OID/Prineville et al's enhancement claims are dubious at best. I am a member of 3 local FF club and have, as a result, better access to the truth. Upstream access is critical and waiving that component will result in little or no benefit to the fish and I resent being lied to! On those grounds I soundly disagree with the project. NO WAY!

Tom Wideman

COF Board of Directors

TU and GoFish member

Multiple 5 Star Real Estate Broker

Licensed in Oregon w/PPG LLC (Lake Oswego)

503-330-5505

From: Diane Butler <dbutler4411@gmail.com>

Sent: Sunday, June 21, 2020 9:03 AM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

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Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,
Diane Butler

From: J Harrang <jonharrang@yahoo.com>
Sent: Sunday, June 21, 2020 12:25 PM
To: ted.g.wise@state.or.us
Subject: Crooked River - Bowman Dam Comments

Dear Mr. Wise,

I am writing to encourage ODFW and the Oregon Fish Passage Task Force to deny the requested waiver for the Bowman Dam Hydroelectric Project.

Establishing fish passage at Bowman Dam and reconnecting the Crooked River would open up many hundreds of miles of critical fish habitat that has been blocked off for the past half century or more.

This is especially important now as steelhead and spring Chinook salmon are actively being reintroduced to the upper Deschutes basin. A great deal of money and effort is being directed toward these efforts. Providing more and better habitat for both returning and resident fish is clearly the best way to improve the odds of success.

The other thing to keep in mind is that an improved fishery would bring long-term economic benefit to rural central/eastern Oregon. Promoting quality fishing in rural areas moves the economic base away from unsustainable extractive industries. Gas, groceries, hotel bookings, guide services, etc. purchased in the local area by visiting anglers will help the entire community, year in and year out.

In closing, there is simply no amount of mitigation that could provide a greater benefit to the fish or the local economy than would fish passage. I urge you to deny the requested waiver for the Bowman Dam Hydroelectric Project.

Respectfully,

Jon Harrang
Redmond, OR

*From the desk of
Michelle McSwain*

June 21, 2020

Ted Wise
ODFW East Region Hydropower Program Coordinator
61374 Parrell Road
Bend, OR 97702

Dear Ted,

Thank you for the opportunity to comment on the waiver for a new hydroelectric project situated on the Crooked River at the existing Bowman Dam in Crook County. While I fully support the siting of a hydroelectric facility at Bowman Dam, I agree with the analysis and conclusions of the Benefit Analysis completed by ODFW that the mitigation proposed by the owner or operator will not provide a net benefit to Native Migratory Fish (NMF).

As a retired Hydrologist and Assistant Field Manager for the Bureau of Land Management (BLM) in Prineville, I have first-hand, on-the-ground knowledge of virtually every perennial stream managed by the BLM in the watersheds located above Bowman Dam. The Benefit Analysis states that steelhead trout and Chinook Salmon would access 63 miles and 57 miles, respectively, of the mainstem Crooked River if fish passage were provided. However, if one were to include tributary streams currently in good condition, in addition to the enormous restoration potential of other tributary streams, there would likely be upwards of 100 miles or more of steelhead trout and Chinook Salmon habitat accessible with passage over Bowman Dam. This estimate only includes tributary streams located on BLM managed land. These tributary streams include Committee Cr. (tributary to the N. Fk. Crooked River below Lower Falls), Paulina Cr., South Fork Crooked River (which is spring-fed), Twelvemile and Buck Creeks (tributaries to the S. Fk. Crooked River), Beaver, Beaverdam and Bronco Creeks (tributaries to Beaver Cr.), Bear, Deer, and Sanford Creeks (all of which flow into Prineville Reservoir). While only a portion of these tributary stream miles may provide habitat for steelhead trout and Chinook Salmon, most of these streams would support other NMF species including Redband Trout, Mountain Whitefish, Northern Pikeminnow, and suckers. Also, I cannot fathom a guess at the miles of tributary streams that would provide Chinook Salmon and steelhead trout habitat if one were to include all of the streams located on the Ochoco National Forest.



South Fork Crooked River, located on BLM managed lands - 2015

Furthermore, although the proposed mitigation would not provided a net benefit to NMF, I would more likely support siting the hydroelectric project at Bowman Dam regardless of the "no net benefit" conclusion if the FERC license were permitted for less than 50 years. A permit issued for 50 years would likely preclude any opportunity to explore and implement passage over the lifetime of the permit. If the permit were issued for say, 5 or 10 years, I would be more willing to overlook the "no net benefit" conclusion.

Again, thank you for the opportunity comment on the waiver. I look forward to learning the decision of the Oregon Fish and Wildlife Commission.

Sincerely yours,

Michelle McSwain

Michelle McSwain

From: Charles LeGrand <charleslegrand@gmail.com>

Sent: Monday, June 22, 2020 6:57 AM

To: ted.g.wise@state.or.us

Subject: Crooked River and Bowman Dam

Mr. Wise,

Regarding the fish passage waiver on the proposed hydroelectric project at the Bowman Dam, if ODFW studies do not find the mitigation offsets adequate, I must oppose granting this waiver. I would be more inclined to support whatever suggestions Trout Unlimited makes that would provide for a more comprehensive habitat restoration plan. Please do not allow any project to go forward that does not secure an improved and more healthy environment.

Sincerely,

Charles LeGrand

Bend, OR

--

Charles LeGrand

From: PENNY RADTKE <pradtke48@gmail.com>

Sent: Saturday, June 20, 2020 2:12 PM

To: ted.g.wise@state.or.us <ted.g.wise@state.or.us>

Subject: Opposition to OID's request for a fish ladder waiver at Bowman Dam

I oppose the OID's request for a fish ladder waiver at Bowman Dam. Failure to provide fish passage past Bowman eliminates the rest of the Crooked River watershed to the major effort to reintroduce anadromous fish. I am extremely disappointed in this response by ODFW and furthermore the irrigation Districts and BOR for not finding a solution besides other mitigating measures. Fish passage is required to create public and private incentives to restore the degraded riparian and aquatic habitat in the upper Crooked River watershed. While the OID's mitigation package includes worthwhile actions there is no mitigation that can substitute for fish passage which would provide access to historic habitat for anadromous spring Chinook salmon, steelhead, and Pacific lamprey in the upper Crooked River watershed.

Sincerely,

Penny Radtke

Crooked River Ranch

Sent from [Mail](#) for Windows 10



June 22, 2020

Sent via email to: ted.g.wise@state.or.us

Ted Wise
East Region Hydropower Program Coordinator
Oregon Department of Fish and Wildlife
61374 Parrell Road
Bend, OR 97702

Re: Fish Passage Waiver Application – Bowman Dam

Trout Unlimited (TU) appreciates the opportunity to provide comments on Fish Passage Waiver Application (Application) of Ochoco Irrigation District (OID), the City of Prineville and Crook County (collectively “Applicants”) for a proposed hydroelectric project at Bowman Dam (Project) on the Crooked River. TU is a non-profit organization with a mission to conserve, protect and restore North America’s coldwater fisheries and their watersheds. With more than 300,000 members and supporters nationwide, TU works to restore wild trout, salmon, and steelhead and their watersheds throughout the U.S. TU has over 3000 members in Oregon and over 650 in its local Deschutes Redbands Chapter. Restoring instream flows, connectivity, and suitable aquatic habitat conditions to the Deschutes watershed, including the Crooked River, is a key objective of TU and its members.

OID seeks a fish passage waiver to aid its efforts to secure a Federal Energy Regulatory Commission (FERC) license for a 3 mega-watt hydroelectric power plant at Bowman Dam. The Project will require structural modifications to Bowman Dam and will “generate power in concert with existing water operations.” Application, p. 2. Bowman Dam is currently a barrier to upstream passage of all fish species and has been identified by the Oregon Fish and Wildlife Commission (Commission) as a Statewide Fish Passage High Priority Barrier. The Applicants have proposed a mitigation package that they contend provides net benefits to Oregon’s native migratory fish (NMF) species that exceeds the value of fish passage as required by Oregon law.

TU appreciates that the Project will provide a new and reliable source of power and funding to OID, that providing fish passage at Bowman is likely an expensive and technically complex undertaking and

that the proposed mitigation will provide some level of benefit to NMF. However, the best available information does not support a finding that requirements for a fish passage waiver have been met. Accordingly, TU concurs with the Oregon Department of Fish and Wildlife (ODFW) recommendation that the Application be denied.

I. The Application does not present a mitigation package that “exceeds” the value of passage

The Application includes mitigation measures to increase spawning habitat availability through gravel augmentation, provide fish passage in Ochoco Creek, and fund habitat restoration at Ochoco Preserve. Additionally, the Application devotes significant attention to an explanation of structural modifications to Bowman Dam that would be made to reduce total dissolved gas (TDG) saturation. However, the Application concedes that the TDG measure cannot be factored into the fish waiver “net benefit” calculation as it constitutes a mitigation requirement for a separate regulatory obligation (401 water quality certification). Accordingly, this measure is only useful context.

The remaining mitigation proposals lack important details and assurances yet comprise the exclusive support for Applicants’ argument that benefit to NMF from mitigation exceeds that provided by fish passage and the resultant access to 498 miles of habitat above Bowman Dam. Granted, some of this habitat is likely not suitable for anadromous species however, given the lack of comprehensive data concerning the quality of habitat above the Dam, the Application appears to significantly overstate the level of unsuitable habitat. Further, the Application does not sufficiently acknowledge that, even where marginal habitat exists, benefits often accrue to resident species such as redband trout. In so doing, the Application proposes a level of mitigation that falls far short of exceeding the ecological benefit the would be provided with fish passage.

Even assuming the Application has correctly identified the extent of suitable habitat above Bowman Dam, it does not sufficiently address how its proposed mitigation measures will address key limiting factors for NMF below Bowman Dam at a meaningful scale over a 30 to 50 year FERC license term. The lower Crooked River historically supported large populations of spring Chinook, steelhead and bull trout. Operation of the recently completed fish ladder at the Opal Springs Hydroelectric Project means these key anadromous fish species can now pass into the habitat below Bowman with increased efficiency. These fish, however, must contend with degraded habitat and water quality conditions particularly during irrigation season as a result of dam operations, water diversions and irrigation practices. The proposed mitigation measures contemplate limited or a one-time financial investment from the Applicants. The mitigation measures for gravel augmentation and habitat restoration lack

biological or habitat objectives/metrics tied to effectiveness monitoring precluding any meaningful determination about their benefit to NMF. For instance, the gravel augmentation measure does not quantify the amount or location of increased juvenile production expected from implementation nor how such production addresses limiting factors for NMF. The remaining mitigation measure for fish passage at Ochoco Creek is beneficial but will only provide NMF access to 2.5 miles of additional habitat. In total, this mitigation is insufficient to meet, let alone exceed, the value to NMF from fish passage.

II. Additional information about habitat quality and fish passage feasibility should be secured and mitigation reevaluated

The new hydroelectric project at Bowman Dam, if approved by FERC, will provide benefits to OID over a period of 30 to 50 years. Given the significant initial investment that OID must make to secure Project construction and regulatory approvals, it is unsurprising that it seeks near-term certainty regarding its mitigation obligations. However, given the long timeframe associated with this Project and the high stakes involved, TU recommends spending more time and resources on the front-end improving the extent and quality of information that informs this discussion. As a first step, the Applicant (and other partners and collaborators) should conduct a more thorough assessment of the habitat quantity and quality above Bowman Dam such that the current and potential carrying capacity of the habitat for various life stages of NMF and resident species can be established. Additionally, a more comprehensive evaluation of fish passage implementation options, including public and private partnership and funding opportunities, is necessary to more fully understand whether fish passage is feasible.

After completion, if the Applicants still determine that fish passage is infeasible, then a new mitigation package should be proposed that clearly presents habitat improvements below the Dam that are proportional to the quantity of suitable habitat that remains inaccessible above the Dam. To ensure that NMF limiting factors in the lower Crooked River are being addressed by the mitigation measures, Applicants should commit to meeting quantifiable targets (financial, biological and habitat). Mitigation possibilities include contributions toward: (1) year-round maintenance of minimum flows below Bowman Dam to improve habitat suitability or accessibility; (2) flows to improve water quality by mitigating temperature exceedances/meet temperature targets; (3) a fund intended to address water quality impacts or habitat restoration targets in the lower Crooked River; (4) efforts by the Bureau of Reclamation (BOR) and/or ODFW to proceed with a secondary water right application to protect instream stored water releases for fish and wildlife from Prineville to Lake Billy Chinook pursuant to

requirements of the Collaborative Water Security and Jobs Act; and (5) habitat improvement projects guided by quantifiable metrics.

Mitigation in the form of a fund contribution should include a commitment of a fixed portion of annual hydropower revenue and should clearly articulate guidelines for how money will be distributed, pursuant to what method and how effectiveness will be assessed. All mitigation measures should include goals, quantifiable metrics and effectiveness monitoring. Quantifiable metrics should be S.M.A.R.T. (Specific, Measurable, Achievable, Relevant, and Timebound).

III. Conclusion

Based on the points noted above, TU concurs with the ODFW recommendation that the Application be denied. However, we hope that constructive dialogue continues. TU looks forward to continued collaboration with the Applicants, ODFW and other stakeholders to collect/share information and develop and implement creative fish passage and/or mitigation solutions in the Crooked watershed. Please contact us with any questions.



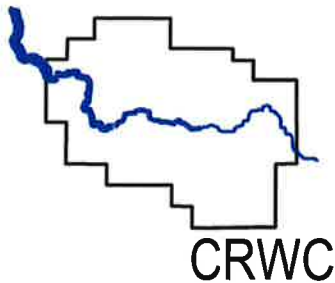
Chandra Ferrari
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Shaun Pigott
President
Deschutes Redband Chapter of Trout Unlimited
spigott@teleport.com



Mike Tripp
Board Member and former President
Deschutes Redband Chapter of Trout Unlimited
mtripp@bendcable.com



CROOKED RIVER WATERSHED COUNCIL

498 SE Lynn Blvd.
Prineville, Oregon 97754

Phone: (541) 447-8567 Fax: (541) 416-2115

contact@crwc.info
www.crookedriver.deschutesriver.org

Ted Wise
ODFW East Region Hydropower Program Coordinator
61374 Parrell Road Bend, OR
97702

June 22, 2020

Mr. Wise,

The Crooked River Watershed Council, established by the Crook County Court, has worked since 1994 with many natural resource partners in the watershed. The Council embraced the reintroduction of anadromous fish well before they were classified 'experimental'. Our council has supported and approved millions of dollars on projects, large and small, improving the habitat and removing passage barriers from Opal Springs to Bowman Dam. We fully support fish passage objectives as indicated by our record of accomplishments. Because of our history and work, we are a knowledgeable partner of the Crooked River and its tributaries from the upper country to the mouth.

We are writing to support a proposed hydropower retrofit project at Bowman Dam on the Crooked River, as per Oregon Administrative Rule 635-412-0025 (12). These are our perspectives on the proposal and associated mitigation elements as submitted by the applicants, who seek a waiver on passage requirements. Our input will start at a high, general level guided by our knowledge of the watershed and its resources over a long timeframe. Additional input will become more specific within the context of this broad framework.

Putting aside the regulations for a moment, we want to stress the key societal benefit from the proposed action and place those benefits in the context of impacts to natural resources. In 2020, it is widely agreed that new energy developments should strive to meet zero carbon emission goals to offset and reduce global climate change. For Oregon, this means that all new energy source development be designed to meet, or get very close, to these objectives. Combined with the general consensus that no energy source is without a downside or negative impact, it stands to reason that any opportunity to capture zero-emission energy in Oregon needs to be carefully evaluated for its expected cost-benefit ratio. In the case of the Bowman Dam retrofit proposal, the impacts to the environment from a structure that already exists are greater than those that the retrofit will create. Gaining an environmental benefit from an existing impact is a very logical way to extend the benefits list from Bowman Dam while not adding any significant negative impact. The mitigation package offered by the applicants is all upside; all proposed actions fall on the project outcome benefits list with no additional downside, or negative impacts, to fish. The negative impacts to fish resources occurred when the dam was first constructed for flood control and irrigation.

In cases where an existing structure blocks fish migration, has always blocked fish migration since it's construction, and will continue to block fish migration, it seems a different evaluation method may be more applicable. For Bowman Dam on the Crooked River, construction of a hydropower facility will ensure a regulatory process or means to force passage at a future date. It seems this is yet another

missed opportunity for the state to get this particular project on a path to full regulation. It should be noted that a 50-year FERC license does not necessarily preclude fish passage at the site. Over the life of a new license, new technology, increased premiums on 'green, fish-friendly' hydropower, and societal shifts could lead to fish passage project implementation at Bowman Dam.

For decades ODFW field biologists have recognized the ongoing problem of total dissolved gas entrained in waters below Bowman Dam. There has been no proposed solution to this impact on an important recreational fishery. Dissolved gas issues will continue at the site into the future without a retrofit and there are no other means available to address this issue. In a sense, by not approving the retrofit proposal, we are foregoing an opportunity to solve a key problem at the site. In terms of benefits from the retrofit facility proposed for the existing dam, some are clearly allowable mitigation measures while others fall into water quality regulations administered by Oregon DEQ. Regardless of how we account for changes at the site that benefit the river in a regulatory context, they in fact do occur should the project be approved.

Furthermore, we do not believe, based on current conditions, that the upper Crooked River geography is anywhere close to ready to accept new fish volitionally passed, or trapped and hauled over Bowman. Habitat conditions are less than ideal and multiple fish barriers exist, one as close as 10 miles upstream of the reservoir. Fish diseases that have plagued reintroduction efforts in the lower Crooked over the past 15 years, would also be a significant challenge to any transfer and co-mingling of fish in the upper Crooked River.

The summary input and key point to be made is that the current status quo does not offer any benefit to the river system above or below Bowman and in fact, maintaining the current status represents a missed opportunity to make improvements to habitat and river conditions for fish and aquatic systems.

Summary of Benefits Associated with the Mitigation Proposal

A summary listing of benefits from proposed mitigation and our input on each follows:

- 1) Total dissolved gas, a long term problem at Bowman Dam with no other proposed remedy, will be reduced by the addition of a hydropower facility that would alter the angles in the current physical structures that currently entrain gas, particularly nitrogen, killing and injuring fish below the project year after year (according to ODFW staff, up to 85% of surveyed fish species indicate some level of gas bubble impact). There are no plans to address this issue outside of this proposal. While the state's regulatory framework for these types of proposals do not allow a regulatory requirement that must be met to also be credited as mitigation measure, it does not change the actual outcome at the project should the hydropower proposal be implemented. This benefit to downstream fisheries does not change based on how we account for this improvement in our regulatory framework.
- 2) Gravel augmentation downstream of Bowman Dam, as proposed by the applicants, will improve physical habitat conditions, reintroduce a source of gravel currently eliminated by Bowman Dam, and kick start and help maintain a more dynamic natural bedload movement and distribution pattern important to certain fish life cycles, such as spawning and emergence. The Crooked River below Bowman would benefit from any increase in process-based river function and long term health. McKay Creek is the only significant source of gravel to the lower Crooked but pales in comparison to historical contributions from Ochoco Creek and the Crooked River. Adding gravel over an extended period will improve river habitat and aquatic resources.

- 3) Solving a passage problem by addressing one of the last remaining fish barriers in the lower Crooked River is another important milestone that adds to the potential for overall success of the anadromous fish reintroduction program occurring below Bowman and Ochoco dams. The council and its partners have worked hard over the past 15 years to address a list of barriers identified in steelhead conservation plans for the Crooked River culminating in the completion of a fish ladder now operational at Opal Spring diversion dam near the bottom end of the watershed. Continuing to address the last remaining barriers in a timely manner now becomes even more critical.
- 4) Relative to a key opportunity at the Ochoco Preserve property, the mitigation proposal offers support for a complex, highly-engineered, and high-cost restoration effort that will address limiting habitat factors identified by the state of Oregon in steelhead conservation plans. This work complements similar work completed and planned for the entire 19-mile Prineville Valley reach, key habitat for both Chinook salmon and Middle Columbia River steelhead. This project will require high investment to meet the list of objectives and actions listed in these plans.
- 5) The proposed upgrades to operational control equipment at Bowman Dam will facilitate a broader range of options relative to flow release control, volumes, and timing. These changes create more options to meet fish management agencies' and tribal objectives for fisheries resources associated with the Crooked River, and by geographic extension, the lower Deschutes River.

While the proposed mitigation package may not solve each and every historical problem created by the development of Bowman Dam, some more critical than others, the actions prescribed will advance current habitat conditions to a higher level of function and health. Building, even incrementally, on past successes and improvements in habitat condition and watershed health should be viewed as a real positive. This proposal appears to meet this philosophical and pragmatic goal, if not the current regulatory threshold for mitigation.

Under current state regulations governing hydropower retrofits to existing dams in Oregon, the largest, highest-cost fish passage structures throughout the state will all, or nearly all, sit unchanged. Actual passage is cost-prohibitive and in most cases, there are no alternatives available to mandate or ensure passage ever occurs. Under a different set of regulatory drivers, these same structures, the ones that tend to block the most miles and have the most significant impacts to fisheries resources, could be shifted into a regulatory framework that leads to real solutions.

Perhaps retrofit hydropower projects could be approved with a contribution to a statewide mitigation fund that would over time be able to fund actual passage projects at the highest priority sites in Oregon. This approach would augment funds already directed to those needs but would increase the pace in which key barriers in the state could be addressed. It would also generate funds that could be directed to specific projects hastening their alterations to accommodate passage as compared to our current system which basically waits for dam owners to move on their passage needs. This does not facilitate the most important barriers being addressed first, and may, unfortunately, move some further out in time.

Sincerely,



Chris M. Gannon, Director



Crook/Wheeler County Farm Bureau
498 SE Lynn Blvd.
Prineville, OR 97754

June 22, 2020

Ted Wise
ODFW East Region Hydropower Program Coordinator
61374 Parrell Road Bend, OR
97702

RE: Support of Waiver, Ochoco Irrigation District Hydro Plant Project

Mr. Wise,

The Crook/Wheeler County Farm Bureau strongly supports the Ochoco Irrigation District's Bowman Dam Hydropower Fish Passage Waiver (FPW) Application. As part of a project that creates a new energy source in a time when society is attempting to meet zero carbon emission goals and to provide positive solutions to the negative impacts of global climate change, the Bowman Dam Hydro Project provides the opportunity for accelerated fish habitat restoration projects below the Dam.

The proverb "A Bird in the hand is worth more than 2 in the bush" comes to mind. Having the Department work with OID's hydro project, and the associated downstream fish habitat improvements seems to be a much better decision than taking the chance of losing it all in order to attain something else that seems more desirable yet not realistic. The cost of installing passage at Bowman Dam far exceeds the anticipated revenue generating capacity of the proposed hydropower project. The proposed downstream mitigation projects take advantage of an opportunity to improve conditions where access currently exists and to build upon projects already completed. Because of the excessive costs of bypass, (\$72 - \$130 million) and the net revenue projections of the project itself (\$300,000 annually) the decision of the commission to approve or deny the FPW will not affect the passage status of Bowman Dam, which will remain a complete barrier to native migratory fish (NMF) for the foreseeable future, because it (by-pass) just cannot be done. It is also important to note that the proposed project will not adversely affect the environment or NMF populations in the Crooked River basin.

Gaining the net benefits below the Dam seems to be the low hanging fruit ODF&W would want support. ODF&W'S Net Benefit analysis on above Dam opportunities fails to address economic costs and realistic opportunities. It appears to be more of a barrier to a great opportunity as opposed to a true comparison of realistic opportunities given current economic and technological limitations.

ODF&W'S Net Benefit analysis on above Dam improvements fails to recognize the exorbitant costs associated with constructing a project that would provide a method for getting fish above or below the Dam structure itself. Net Benefit analysis also fails to recognize Regional and District ODF&W's past actions on proposed above restoration efforts (local OWEB grants) that indicated they did not value (wasn't worth the cost) to restoration projects above the Dam. It is interesting to note that since the first statewide ODFW fish passage priority list was created in 2007, Bowman dam was not on the original list, number 534 of the 2013 list and only after ODF submitted its first notice with ODFW 2018, did Bowman Dam suddenly climbed to number 15.

A 1996 report 'Crooked River Basin Plan, Ochoco Fish District characterized the habitat conditions above Prineville Reservoir this way:

Management Issues and Concerns

- 1. Redband trout populations are depressed compared to historical abundance because the Crooked River and its tributaries have poor riparian and instream conditions.***
- 2. Under the current habitat conditions, the mainstem does not support a significant trout fishery, consumptive or otherwise, except for very limited times of the year.***
- 3. Much of the basin has fragmented and isolated redband trout populations due to current land and water management practices that have altered flows or created artificial barriers. In addition, timber harvest, livestock grazing, and road building practices have altered riparian and instream conditions, affecting the quality and quantity of habitat and stream flows. The lack of good quality habitat and the arid nature of this area of the Crooked River basin indicate that native redband trout populations are highly vulnerable to any further habitat degradation.***
- 4. Unscreened irrigation withdrawals limit instream flows and may cause direct and indirect fish mortality.***
- 5. Many streams on private lands have not been surveyed for aquatic life.***

In a report submitted by Mount Hood Environmental on the net benefits of fixing the Total Dissolved Gas issue in the lower Crooked River (below Bowman Dam) and the benefits of fish passage above (2018), they write:

Upper basin carrying capacity for redband trout is already occupied, and restoring passage should not be expected to appreciably increase trout biomass in the Crooked River basin. Instead, the benefits of fish passage are more likely related to life-history diversity and population connectivity, which could increase the resilience of Crooked River redband trout populations, but would not appreciably enhance trout fisheries or increase fish abundance. Because the benefits of passage and reducing TDG are different, choice of which management measure is more beneficial is a question of whether managers wish to restore life-history diversity (i.e., anadromy) or enhance resident trout fisheries in the basin.

When economic limitations are added to the equation, it is apparent from these two reports, that the “net benefit” analysis significantly over-estimates habitat opportunity and under values benefits from actions associated with the Hydro project. If evaluated differently, OI’s application for alternative mitigation measures in lieu of fish passage **does provide a net benefit** to Native Migratory Fish as required in ORS 509.585 (7a and 7b) and OAR 635-412-0025 (1)(2).

A summary listing of benefits from proposed mitigation and our input on each follows.

Total dissolved gas, a long term problem at Bowman Dam with no other known remedy, will be reduced by the addition of a hydropower facility that would alter the angles in the current physical structures that currently entrain gas, particularly nitrogen, killing and injuring fish below the project year after year (up 85% of surveyed fish species indicate some level of gas bubble impact; ODFW staff). There are no plans to address this issue outside of this proposal. While the state’s regulatory framework for these types of proposals do not allow a regulatory requirement that must be met to also be credited as mitigation measure, it does not change the actual outcome at the project should the hydropower proposal be implemented. This benefit to downstream fisheries does not change based on how we account for this improvement in our regulatory framework.

Gravel augmentation downstream of Bowman Dam, as proposed by the applicants, will improve physical habitat conditions, reintroduce a source of gravel currently eliminated by Bowman Dam, and kick start and help maintain a more dynamic natural bedload movement and distribution pattern important to certain fish life cycles, such as spawning and emergence. The Crooked River below Bowman would benefit from any increase in process-based river function and long term health. McKay Creek is the only significant source of gravel to the lower Crooked but pales in comparison to historical contributions from Ochoco Creek and the Crooked River. Time durable contributions of this type of material will help support river conditions much more favorable to fisheries and aquatic resources.

Solving a passage problem by addressing one of the last remaining fish barriers in the lower Crooked River is another important milestone that adds to the potential for overall success of the anadromous fish reintroduction program occurring below Bowman and Ochoco dams. The council and its partners have worked hard over the past 15 years to address a list of barriers identified in steelhead conservation plans for the Crooked River culminating in the completion of a fish ladder now operational at Opal Spring diversion dam near the bottom end of the watershed. Continuing to address the last remaining barriers in a timely manner now becomes even more critical.

Relative to a key opportunity at the Ochoco Preserve property, the mitigation proposal offers support for a complex, highly-engineered, and high-cost restoration effort that will address limiting habitat factors identified by the state of Oregon in steelhead conservation plans. This work complements similar work completed and planned for the entire 19-mile Prineville Valley reach, key habitat for both Chinook salmon and Middle Columbia steelhead. This project will require high investment to meet the list of objectives and actions listed in these plans.

Lastly, proposed upgrades to operational control equipment at Bowman Dam will facilitate a broader range of options relative to flow release control, volumes, and timing. These changes create more options to meet fish management agencies and tribal objectives for fisheries resources associated with the Crooked River, and by geographic extension, the lower Deschutes River.

Again, the Crook/Wheeler County Farm Bureau strongly supports the Ochoco Irrigation District's Bowman Dam Fish Bypass Waiver and strongly encourages ODF&W to recommend granting the waiver and move forward with this critical project. With projected budget shortfalls and lottery reductions due to the ongoing COVID-19 crisis, it is unlikely that the state will have the resources to help support this important work without granting this waiver, and OWEB projects and investments are expected to decrease dramatically. As such, granting this waiver and allowing this work to move forward will drive significant investments in fish habitat that cannot be expected to occur otherwise, and which more than mitigate the impact of the dam, especially considering the agency's own findings that fish habitat opportunities are limited in this stretch of the river.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Deboodt', with a long, sweeping horizontal line extending to the right.

Tim Deboodt, President
Crook/Wheeler County Farm Bureau

Representative Vikki Breese Iverson - District 55
Senator Dennis Linthicum – District 28
Bruce Scanlon – Manager, Ochoco Irrigation District
Mayor Steve Uffleman, City of Prineville
Seth Crawford, Judge, Crook County

From: Robert Thelen <romathelen@gmail.com>

Sent: Sunday, June 21, 2020 4:28 PM

To: Ted Wise <ted.g.wise@state.or.us>

Subject: Support Fish Passage at Bowman Dam and the Restoration of Instream Flows in the Crooked River Basin!

Mr.,

Dear Ted Wise:

I applaud ODFW for its commitment to ensuring that Oregon's fish passage laws are upheld, and that the health of the Crooked River is advanced.

I therefore:

Support ODFW's recommended denial of the Ochoco Irrigation District's fish passage waiver application;

Urge the Fish and Wildlife Commission to require fish passage that would open up 500 miles of habitat in the Upper Crooked Watershed;

Ask that if the Ochoco Irrigation District continues to push for a waiver, that you urge the Fish and Wildlife Commission to demand that mitigation be in the form of instream flow restoration and protection.

I also specifically ask for:

Commitment to provide permanent instream flow for fish;

Legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;

Flow targets based on ODFW's "balanced flows" for the Crooked River;

Withdrawal of Ochoco Irrigation District's "protest" of ODFW's instream water right on the lower Crooked River that has held up the issuance of an instream water right on the Crooked River for nearly three decades. (Yes, you read that right. The very same irrigation district that wants a waiver of fish passage laws for its hydro project has held up streamflow protection on the Crooked River below Bowman Dam for three decades. That's not acceptable.)

Thank you for your consideration.

Sincerely,

Robert Thelen



June 22, 2020

Via email

Ted Wise
ODFW East Region Hydropower Program Coordinator
61374 Parrell Road
Bend, OR 97702
Via email

Re: Support for Fish Passage Waiver

Dear Mr. Wise:

The Wild River Owners Association (WROA) represents approximately 150 homeowners who live on or near the Deschutes River about 8 miles below Wickiup Dam. Our development straddles the Deschutes just north of Burgess Road in Deschutes County. We are directly affected by river flows, water quality, erosion and fish and wildlife habitat.

The conservation-oriented mitigation offered by OID as part of the waiver process, along with other environmentally beneficial activities that they have underway and planned would be very positive for the Crooked River and Native Migratory Fish below Bowman Dam and therefore we support the waiver.

WROA believes that the fish passage above Bowman Dam prescribed if the hydro power project is approved is a non-starter based on its cost and other factors. This makes potential habitat above Bowman irrelevant to a decision regarding the waiver of fish passage.

We are concerned that "fish friendly" flows be maintained before, during and after hydro facility construction.

We believe that OID and their partners should agree to an annual conservation fund contribution of an identified percentage of the net profits from hydro operations.

Beyond the mitigation specifics provided in the application we believe that additional benefits are planned under the auspices of other state or federal agencies. If these actions include increased flows in the Crooked River we would like to be assured that they will be permanent and protected instream.

We respectfully request that the fish passage waiver be granted after consideration is given to the above.

Sincerely,

Mike Taylor
River Conservation Representative
Wild River Owners Association

53496 Wild River Way
La Pine, OR 97739

VIKKI BREESE-IVERSON
STATE REPRESENTATIVE
DISTRICT 55



C/O GREG APKE
FISH PASSAGE COORDINATOR, ODFW
4034 FAIRVIEW INDUSTRIAL DRIVE SE
SALEM, OR 97302

Dear Greg Apke and Task Force on Fish Passage Members,

In 2014, the Crooked River Collaborative Water Security and Jobs act was passed. With it, came an opportunity to construct a 3 mega-watt, hydroelectric facility on Bowman Dam, which would provide green energy to over 1,400 homes in the Prineville area. A facility such as this proposed project comes with huge benefits including increased water quality and collaboration on the future health of the Crooked River and its species.

Construction of this project depends entirely on securing a Fish Passage Waiver from the Oregon Department of Fish and Wildlife. Local partners have worked together and drawn up mitigation measures which would benefit our community, the Crooked River and our local industries. The partnership includes Crook County, City of Prineville and Ochoco Irrigation District. The proposed benefits of the mitigation process greatly outweigh the disastrous price tag and reality of a fish ladder/passage project to the tune of \$72-\$250 million.

Proposed mitigation benefits include reducing "Total Dissolved Gas" in the Crooked River, adding the placement of fish screens and a passage at Ochoco Preserve, implementing a gravel augmentation project to improve spawning habitat below the Bowman Dam and donating \$200,000 to the Ochoco Reserve for habitat restoration— a highly valuable step to reintroduce anadromous salmonids to the Crooked River Basin. The multitude of proposed benefits are much greater in cumulative consideration than a single fish ladder.

At this time, ODFW has decided these mitigation measures are not enough to approve the Fish Passage Waiver. The true benefit of the multi-governmental partnership and multi-layered gain for the local fish population, the health of the Crooked River and surrounding habitat, the proposed added efficiency and needed maintenance for existing Ochoco Irrigation systems, the Prineville community and the added green power into our existing system cannot be overlooked in this decision.

We need clarity on this project. Please do not let the extensive collaboration, efforts and million dollars already invested in this effort go for nothing.

VIKKI BREESE-IVERSON
STATE REPRESENTATIVE
DISTRICT 55

I write you in support of this project and ask you to approve the waiver which will allow the multi-faceted project to move forward.

Thank you for your careful consideration of this issue.

Sincerely,

A handwritten signature in black ink, reading "Vikki Breese Iverson" with a stylized flourish at the end.

Representative Vikki Breese-Iverson

CC: Director Curt Melcher, ODFW



June 22, 2020

Ted Wise
ODFW East Region Hydropower Program Coordinator
61374 Parrell Road
Bend, OR 97702.

Recommendation to Not Waive Fish Passage at Bowman Dam on the Crooked River

Dear Mr. Wise:

The Conservation Angler supports Oregon Department of Fish and Wildlife's Net Benefit determination that the proposed mitigation measures do not provide a net benefit to native migratory fish in the Crooked River Basin as required by Oregon statutory and administrative requirements found in ORS 509.585(7a and 7b) and OAR 635-412-0025(1),(2).

The Conservation Angler (TCA) is a wild fish and wild rivers nonprofit conservation organization based in Edmonds, Washington with an office in Portland, Oregon. Our board members and supporters are from throughout the Pacific Northwest and regularly enjoy the pursuit and opportunity to travel on and fish for native fish in the Deschutes River watershed, including the Crooked River. TCA has actively worked to protect migrating salmon and steelhead attempting to return to their natal waters in the Deschutes River basin, including the Crooked River.

The Crooked River used to be a steelhead, salmon and trout nirvana before white settlement. The depletion and extinction of beaver, irrigation dams and withdrawals, overgrazing of riparian areas, exotic species introduction and other human-caused degradation have contributed to their decline.

Meanwhile, an enormous amount of restoration work has been completed and more is underway in the rest of the Deschutes Basin to help rivers and fish and wildlife recover. Providing for fish passage at Bowman Dam would be an important step in "whole basin" recovery – connecting the ecologic and biological diversity of the Crooked to the remainder of the Deschutes River.

Based on the materials provided and upon review of suggested alternate forms of mitigation, TCA agrees with the conclusion that they fall far short of the improvement passage provides.

TCA commends Oregon Department of Fish and Wildlife (ODFW) for their review of the hydro proposal at Bowman Dam. There is a reason the Fish Passage Task Force has this passage barrier targeted as their highest priority and ODFW clearly explain the rational and significance.

While the cost of installing a ladder may be prohibitive, the proposed mitigation measures do not come close to providing a greater benefit to fish than opening up 500 miles of habitat and reconnecting fish in the upper Crooked River with fish in the lower Crooked River as well as other upper Deschutes Basin waterways. Further, a 50-year FERC license would preclude passage for the same amount of time.

The applicants state they will realize \$300,000 in profits a year or \$15,000,000 over the 50-year license period. In contrast, they will spend \$390,500 initially on mitigation measures at Ochoco Preserve and the small dam on Ochoco Creek, and between \$265,000 and \$471,000 on spawning gravel placement over the next 50 years. This is not close to being proportionate.

The applicant expects to net \$300,000 a year on the proposed project – but we must examine the gross revenues that are expected from this 3KwH project. This is an important calculation as the Bonneville Power Administration (BPA) spends over 10% of their gross revenues on fish and wildlife (even more if their expenditures were to include the spill requirements for salmon, steelhead and lamprey passage).

If passage at this site is required, OID should put 10% of the gross revenues into an exclusive fund set aside for passage. ODFW and other stakeholders working to achieve a healthy Crooked River Basin could then leverage that fund into enough to provide passage.

Further, the applicant does not propose a realistic solution to the gas bubble disease problem that periodically decimates fish populations in the Crooked River below Bowman Dam. The Bureau of Reclamation analysis states that there is much uncertainty on the subject but makes it clear that along with the installation of the specific valves, a rock weir would have to be installed one mile below the dam to raise and slow the river to allow for gas dissipation. A rock weir may be highly unlikely to be allowed in the Wild & Scenic section of the Crooked River and is not included in the application.

The applicant could simply increase flows in the lower Crooked River, addressing the single greatest problem the river faces. They could use a significant amount of the \$15,000,000 in projected lifetime profits to purchase and restore more wetlands, address the serious overall water quality issues in the Crooked River caused by agricultural runoff from Ochoco Irrigation District patrons and they could follow the example of Deschutes Valley Water District who found partners to fund fish passage at the Opal Springs hydro facility.

TCA finds that the remaining mitigation proposals lack important details and assurances despite that it appears to be the exclusive support for Applicants' argument that benefit to native migratory fish from mitigation exceeds that provided by fish passage. While some of the upstream habitat may not be currently suitable for anadromous species (or even suitable for fluvial and resident redband trout and whitefish), without comprehensive data concerning the quality of habitat above the Dam, the level of unsuitable habitat appears to be significantly overstated, and counting the upper basin out is unwarranted.

Significantly, it is an error to not recognize that, even where marginal habitat exists, benefits often accrue to resident species such as redband trout. In so doing, the Application proposes a level of mitigation that falls far short of exceeding the ecological benefit that would be provided with fish passage.

Allowing the significant degradation of the upper basin based on past practices that over-uses grazing resources and over allocates out-of-stream water withdrawals to be the basis for limiting the mitigation responsibilities is merely advocating a race to the bottom. ODFW rightfully rejects the applicant's calculation.

Even assuming the Application has correctly identified the extent of suitable habitat above Bowman Dam, it does not sufficiently address how its proposed mitigation measures will address key limiting factors for native migratory fish below Bowman Dam at a meaningful scale over a 30 to 50 year FERC license term.

The lower Crooked River historically supported large populations of spring Chinook, summer steelhead and bull trout. Operation of the Opal Springs Hydroelectric Project means these anadromous fish species can now pass into the habitat below Bowman with increased efficiency, though they contend with degraded habitat and water quality conditions particularly during irrigation season resulting from dam operations, water diversions and irrigation practices.

The proposed mitigation measures are a limited investment by the Applicants. The mitigation measures for gravel augmentation and habitat restoration lack biological or habitat objectives/metrics tied to effectiveness monitoring precluding any meaningful determination about their benefit to native migratory fish. For instance, the gravel augmentation measure does not quantify the amount or location of increased juvenile production expected from implementation nor how such production addresses limiting factors for native migratory fish. The remaining mitigation measure for fish passage at Ochoco Creek is beneficial but will only provide native migratory fish access to 2.5 miles of additional habitat. In total, the proposed mitigation is insufficient to meet, let alone exceed, the value to native migratory fish from fish passage.

Should fish passage be ruled ineffective, TCA urges the Fish Passage Task Force and Fish and Wildlife Commission to require mitigation in the form of instream flow restoration and protection, including:

1. Committing to provide permanent instream flow for fish including legal protection of that flow instream from Bowman Dam to Lake Billy Chinook;
2. Flow targets based on ODFW's "balanced flows" for the Crooked River;
3. Administrative withdrawal by Ochoco Irrigation District of their "protest" of ODFW's instream water right on the lower Crooked River and swift legal approval by OWRC on the issuance of an instream water right on the Crooked River.

The Conservation Angler Comments on Waiver Application

The Conservation Angler (TCA) supports ODFW's finding that the proposed mitigation offered in OID's waiver application does not provide a net benefit to migratory fish as required by statute.

Bowman Dam blocks access to nearly 500 stream miles of habitat, including habitat in the North Fork, South Fork and Beaver Creek. Bowman Dam is identified as one of the state's 2019 Statewide Fish Passage Priority Barriers (#16 out of 589 Group 1 high priority barriers). Bowman Dam is considered the highest priority fish passage barrier in the Deschutes watershed.

Native migratory fish that could utilize habitat above the dam include, but are not limited to, redband trout, summer steelhead, Pacific Lamprey and Chinook Salmon. Redband trout are a state sensitive species and steelhead are listed as threatened under the federal Endangered Species Act (ESA).¹

Since the recent FERC relicensing of the Pelton Round Butte Hydroelectric Project brought anadromous fish into the upper Basin and spurred fish passage at Opal Springs Dam in 2019 – opening 130 miles of habitat in the Crooked Basin below Bowman Dam (Crooked River mainstem, Ochoco Creek, McKay Creek). Passage in this case provides access to an additional 500 miles for migratory native fish. Fish passage and/or dam removal at projects across the state that were thought to be improbable twenty years

¹ The 10j status is time-limited and will expire in 2025. At that time, steelhead will resume their complete ESA status (currently, as a Threatened Species).

ago are now progressing. To preclude fish passage for the next 50 years is short sighted. Especially on a dam that blocks such a vast amount of native migratory fish habitat. This is the time to move forward on fish passage at Bowman Dam.

Per statute, alternatives to fish passage must result in a benefit to fish greater than that provided by the artificial obstruction with fish passage. ORS 509.585(7)(b). In lieu of providing fish passage, the applicants have offered mitigation in the form of limited gravel augmentation, fairly limited Ochoco Creek passage, \$200,000 towards a single restoration project, and structural modifications on the existing dam to address an important water quality problem.

However, mitigation cannot include any actions that are already required by any other condition of the project. OAR 635-412-0040(3). As noted in ODFW's Net Benefit Determination, addressing total dissolved gases will be required of any Clean Water Act section 401 water quality certification. The water quality issue is therefore inappropriate nor legal, mitigation and should be struck from the list.

Furthermore, additional analysis of dissolved gas issue resolution raises several critical uncertainties including viability, whether there are quantifiable benefits, and conflicts with related actions (i.e. a rock weir across the Federal Wild and Scenic section of the river).

According to ODFW's own analysis of the actions proposed under the mitigation package found that the proposed mitigation will benefit roughly 4.2 miles of habitat downstream of Bowman Dam. When compared to the nearly 500 miles of stream miles above the dam that would be opened to fish passage, the proposed mitigation package does not meet the statutory requirement allowing it in lieu of fish passage – in a case where the benefits to fish provided by proposed mitigation are greater than benefits that would accrue if fish passage were provided.

ODFW's Net Benefit determination found that that the proposed mitigation measures do not provide a net benefit to native migratory fish as required by ORS 509.585(7a and 7b) and OAR 635-412-0025(1),(2) to justify a fish passage waiver at Bowman Dam. To approve mitigation in lieu of passage, the applicants must offer meaningful mitigation that will provide net benefits to fish that would be greater than that provided by passage.

TCA supports ODFW's findings and determinations on this and urge the Fish Passage Task Force to recommend denial of the waiver application submitted. Fish passage should be required.

As noted, Oregon's statutes require passage unless mitigation that provides a greater benefit than passage is offered. ODFW has determined that the offered mitigation package does not meet statutory standards. That said, if the applicants continue to pursue a waiver via an amended application, the state must ensure more meaningful mitigation to meet statutory and rule standards. Again, Bowman Dam blocks nearly 500 miles of habitat. To meet statutory standards, mitigation must surpass the benefits of opening this amount of habitat. If the applicants continue to pursue mitigation, flow restoration below Bowman Dam should be a focal point of any mitigation package. Flow is a well-documented limiting factor in the Crooked River basin. Over-appropriation of water, largely by irrigation, limits habitat quantity and quality and directly affects fish abundance, distribution, survival, and reproduction.

Flow commitments should be permanent and should be protected instream to Lake Billy Chinook. Key to any finding that flow mitigation would provide a benefit is the establishment of a secondary water right to protect any released water instream for the entire stream reach—from Bowman Dam to Lake Billy Chinook. Without a secondary water right to protect the water instream, any mitigation water for fish could be pulled onto fields for irrigation.

Flow targets for mitigation should mimic the “balanced flows” developed by Tim Hardin, ODFW, 2011 (Attachment 2), which range from 80 cfs to 140 depending on the month. While these are not the “optimal” flows needed for fish, they reflect flows that will sustain fish while still allowing irrigation.

In addition to recommending mitigation in the form of permanent water protected instream from Bowman Dam to Lake Billy Chinook, the mitigation package should include the withdrawal of OID’s protest of ODFW’s water right that was filed in 1990. For the past 30 years, OID has steadfastly refused to withdraw this protest, even though their water rights are many years senior to ODFW’s application.

As noted, flow is a limiting factor in the Crooked River Basin below Bowman Dam. Restoring flows to the Crooked River has been sought by state and federal agencies, the Warm Springs Tribes and conservation interests for decades.

Basin stakeholders believed this to be resolved when the 2014 Crooked River Act passed into law. This Act allocates nearly half of the water in Prineville Reservoir to downstream fish and wildlife. The Act demands that the storage, release and use of water for fish be in accordance with state law, meaning that state water rights must accompany the water. Yet, just when the Bureau of Reclamation was going to submit a secondary water right to protect this water instream, irrigation districts pressured BOR to hold off on submitting the application resulting in water meant for fish going to fields.

Forty years of stakeholder effort to restore flows to the Crooked River have failed the Crooked River. OID’s in initial fish passage waiver application will continue that failure. OID could offer mitigation in the form of legally protected instream flow from Bowman Dam to Lake Billy Chinook, arguably the most limiting factor in the basin, but they are choosing not to. Instead they are offering mitigation that is not legal mitigation under Oregon law as it would be required anyway (TDG), and other measures that, while beneficial, fall far short of the providing a net benefit required by law.

Again, if mitigation is going to be offered in lieu of passage, the state should demand that it include the permanent restoration of flows that are protected to Lake Billy Chinook.

To the extent there is support for hydro at Bowman Dam, the state has a responsibility to ensure that fish passage statutes and rules are adhered to. Fish passage is required by law. And while Oregon’s fish passage statutes allow applicants to apply for waivers, waivers can only be granted if the mitigation will provide a greater benefit than fish passage would. If OID does not have the resources to provide passage at Bowman Dam as required by law, or is unwilling to provide mitigation in lieu of passage that would meet statute and rule requirements, it is likely that that in the years to come other parties with the means to provide fish passage will fill that void.

The Conservation Angler supports ODFW’s Net Benefit Determination that finds that the offered mitigation does not meet statutory standards that would allow a fish waiver. We urge the Fish Passage Task Force to recommend to the Fish and Wildlife Commission that the current application for fish passage waiver be denied.

Thank you again for good work, and for the opportunity to provide comments.

Sincerely,

David A. Moskowitz
Executive Director

The Conservation Angler * 3241 NE 73rd Ave * Portland, OR 97213 * theconservationangler@gmail.com

Fish Passage Statutes and Rules

Provisions of Oregon's fish passage statutes and rules are relevant to the proposed waiver application:

A. General Fish Passage Requirement.

The basic command of Oregon's fish passage laws is that "a person . . . may not construct or maintain any artificial obstruction across any waters of this state that are inhabited, or historically inhabited, by native migratory fish without providing passage for native migratory fish." ORS 509.585(2). Statutes are clear that this means both upstream and downstream passage.

B. Native Migratory Fish.

"[N]ative migratory fish" are listed in Department rules. ORS 509.580(6). They are not just anadromous fish; they include numerous fish species that migrate entirely within freshwater systems. See OAR 635-412-0005(32).

C. Events That "Trigger" Fish Passage Requirements.

While ORS 509.585(2) prohibits "maintain[ing]" an artificial obstruction without fish passage, the ODFW's authority to enforce this law is limited to what are commonly called "trigger" events. Triggering events that invoke the state's fish passage policy include:

4. "construction, fundamental change in permit status or abandonment." ORS 509.585(4).
5. Licensing by FERC,
6. Issuance of a hydroelectric water right by the Oregon Water Resources Department (OWRD)

D. Waiver of Fish Passage Requirements.

The Oregon Department of Fish and Wildlife ("Department") or the Fish and Wildlife Commission ("Commission"), depending on the circumstances, can waive fish passage requirements at an artificial obstruction if "the person owning or operating the artificial obstruction" agrees to do something else – something other than providing fish passage at the site where passage enforcement has been triggered – that "provide[s] a net benefit to native migratory fish." ORS 509.585(7)(a). A "net benefit" is "an increase in the overall, in-proximity habitat quality or quantity that is biologically likely to lead to an increased number of native migratory fish after a development action and any subsequent mitigation measures have been completed." ORS 509.580(7). "In-proximity" means within the same watershed or water basin and having the highest likelihood of benefiting the native migratory fish populations directly affected by an artificial obstruction." ORS 509.580(5).

Net benefit to native migratory fish is determined . . . by comparing the benefit to native migratory fish that would occur if the artificial obstruction had fish passage to the benefit to native migratory fish that would occur using the proposed alternatives to fish passage.

Alternatives to fish passage must result in a benefit to fish greater than that provided by the artificial obstruction with fish passage. The net benefit to fish shall be determined based upon conditions that exist at the time of comparison. ORS 509.585(7)(b).

Oregon Department of Fish and Wildlife's administrative rules also include a section on the criteria for "mitigation" offered in exchange for a waiver of fish passage requirements. See OAR 635-412-0040. The rules provide, in part:

Mitigation shall not include any activity that is a requirement or condition of any other agreement, law, permit, or authorization except if it is also for fish passage mitigation of the same action at the artificial obstruction for a different level of government.
OAR 635-412-0040(3).



Oregon Water Resources Congress

795 Winter St. NE | Salem, OR 97301 | Phone: 503-363-0121 | Fax: 503-371-4926 | www.owrc.org

June 22, 2020

Ted Wise, East Region Hydropower Program Coordinator
Oregon Department of Fish and Wildlife
61374 Parrell Rd
Bend, OR 97702

Transmitted via e-mail to: ted.g.wise@state.or.us

RE: Letter of Support for Ochoco Irrigation District's Fish Passage Waiver

Dear Mr. Wise,

On behalf of the Oregon Water Resources Congress (OWRC), I am writing in strong support of the Ochoco Irrigation District's fish passage waiver for Bowman Dam. The proposed hydroelectric project will provide renewable energy and help support fish habitat improvements otherwise unlikely to occur. We encourage the Oregon Department of Fish and Wildlife (ODFW) Fish Passage Taskforce and the Oregon Fish and Wildlife Commission to approve the district's fish passage waiver application.

OWRC is a non-profit membership association of irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly 1/3 of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, and hydropower facilities that serve a diverse set of farmers, ranchers, and other water users contributing to the local and global economy. Ochoco Irrigation District is one of OWRC's members.

Ochoco Irrigation District's proposed fish passage waiver for a hydroelectric project at Bowman Dam includes numerous benefits, including enhanced fish habitat in key areas, improved water quality, and increased water conservation. The incremental revenue generated from the renewable energy project will also fund additional infrastructure improvements and help support basin-wide restoration efforts. The hydropower project produces energy from water already being diverted for consumption, maximizing the use of every drop without injury or enlargement of the water right. The district's proposed mitigation measures also open 2.5 miles of fish habitat in Ochoco Creek and help support restoration of habitat Ochoco Preserve—actions which will be stymied without authorization of the fish passage waiver.

The numerous benefits provided by the proposed mitigation measures are far greater than maintaining the status quo that would result from a denial of the waiver. The ODFW staff recommendation "that the proposed mitigation actions will not provide greater benefits than if passage were provided at the Dam," fails to recognize there will be zero added fish benefits provided by denying the waiver—denial will not result in upstream fish passage at Bowman Dam. This overly narrow interpretation creates a zero-sum equation where everyone loses if the application is denied and is one of several examples illustrating the need for a modernization of ODFW's fish passage statutes and rules. Denying the fish passage waiver will not only thwart collaborative efforts to improve fish and wildlife habitat it will result in no new fish habitat and fewer resources for innovative solutions to the myriad of complex environmental challenges.

In conclusion, we urge ODFW to authorize Ochoco Irrigation District's fish passage waiver for a hydroelectric project at Bowman Dam. The district's proposed mitigation measures will directly improve habitat for several fish species in key areas, improve water quality, increase water conservation, and help implement collaborative basin-wide solutions. Thank you for your consideration of our comments.

Sincerely,
April Snell
Executive Director

The mission of the Oregon Water Resources Congress is to promote the protection and use of water rights and the wise stewardship of water resources



WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers



**OREGON
WILD**

June 22, 2020

Ted Wise, ODFW East Region Hydropower Program Coordinator
Oregon Department of Fish and Wildlife
61374 Parrell Road Bend, OR 97702
ted.g.wise@state.or.us,

RE: Bowman Hydropower Dam Fish Passage Waiver Request and ODFW Net Benefit Analysis

Dear Ted,

Please consider the following comments of WaterWatch of Oregon and Oregon Wild on the request for a fish passage waiver at Bowman Dam submitted by Ochocho Irrigation District (OID) and the City of Prineville.

WaterWatch and Oregon Wild support ODFW's Net Benefit determination that the proposed mitigation measures do not provide a net benefit to Native Migratory Fish as required by ORS 509.585(7a and 7b) and OAR 635-412-0025(1),(2). Specific comments are outlined below.

WaterWatch of Oregon and Oregon Wild Statement of Interest

WaterWatch of Oregon ("WaterWatch") is a nonprofit river conservation organization founded in 1985. WaterWatch is dedicated primarily to protecting and restoring stream flows in Oregon and also works to protect and restore fish passage in Oregon's rivers and streams. WaterWatch regularly monitors and comments on proposed fish passage programs and on applications for fish passage waivers and exemptions. WaterWatch also has led several successful efforts to remove high-profile fish passage barriers, including Savage Rapids Dam, Gold Hill Dam, and Gold Ray Dam in the Rogue River Basin.

WaterWatch has worked in the Deschutes basin watershed, including the Crooked subbasin, for over three decades. Among other things, WaterWatch drafted the state Instream Water Rights Act which has resulted in 93 instream water rights in the basin and allowed the restoration of hundreds of cfs across the Central Oregon landscape, we were a party to the Pelton Round Butte Hydropower Reauthorization Settlement, we were instrumental in compelling the state to develop the Deschutes Groundwater Mitigation Program, we were principal negotiators of the Crooked River Collaborative Water Security Jobs Act of 2014 (Crooked River Act), we have defended the basin's state scenic waterways in countless forums, we were a member of the Deschutes Basin Study Workgroup (BSWG), we watchdog all water allocation decisions in the basin and, directly related to the proposed hydro project at Bowman Dam, we filed comments with FERC on OID's PAD.

WaterWatch of Oregon
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Founded in 1974, Oregon Wild works to protect and restore Oregon's wildlands, wildlife and waters as an enduring legacy for all Oregonians. Formerly the Oregon Natural Resources Council or ONRC, Oregon Wild has been instrumental in securing permanent legislative protection for some of Oregon's most precious landscapes, including nearly 1.7 million acres of Wilderness, 95,000 acres of forests in Bull Run/Little Sandy watersheds (to safeguard the quality of Portland's water supply) and almost 1,800 miles of Wild & Scenic Rivers.

Oregon Wild has long been involved in conservation, restoration and preservation efforts in both the Deschutes and Crooked River basins. We have long worked to restore water quality, ecosystem functions, and wildlife habitat in these watersheds. We have also been involved with both the Deschutes Forest Collaborative as well as the Ochoco Forest Collaborative for many years.

Relevant Provisions of Fish Passage Statutes and Rules

Several provisions of Oregon's fish passage statutes and rules are relevant to the proposed waiver application:

1. General Fish Passage Requirement.

The basic command of Oregon's fish passage laws is that "a person . . . may not construct or maintain any artificial obstruction across any waters of this state that are inhabited, or historically inhabited, by native migratory fish without providing passage for native migratory fish." ORS 509.585(2). Statutes are clear that this means both upstream and downstream passage. *Id.* at (1).

2. Native Migratory Fish.

"[N]ative migratory fish" are listed in Department rules. ORS 509.580(6). They are not just anadromous fish, they include numerous fish species that migrate entirely within freshwater systems. *See* OAR 635-412-0005(32). ,

3. Events That "Trigger" Fish Passage Requirements.

While ORS 509.585(2) prohibits "maintain[ing]" an artificial obstruction without fish passage, the Department's authority to enforce this law is limited to what are commonly called "trigger" events: "construction, fundamental change in permit status or abandonment." ORS 509.585(4). Licensing by FERC and issuance of a hydroelectric water right by the Oregon Water Resources Department (OWRD) are "triggers" that invoke the state's fish passage policy.

4. Waiver of Fish Passage Requirements.

The Oregon Department of Fish and Wildlife ("Department") or the Fish and Wildlife Commission ("Commission"), depending on the circumstances, can waive fish passage requirements at an artificial obstruction if "the person owning or operating the artificial obstruction" agrees to do something else – something other than providing fish passage at the site where passage enforcement has been triggered – that "provide[s] a net benefit to native migratory fish." ORS 509.585(7)(a). A "net benefit" is "an increase in the overall, in-proximity habitat quality or quantity that is biologically likely to lead to an increased number of native migratory fish after a development action and any subsequent mitigation measures have been completed." ORS 509.580(7). "In-proximity" means within the same

watershed or water basin and having the highest likelihood of benefiting the native migratory fish populations directly affected by an artificial obstruction.” ORS 509.580(5).

Net benefit to native migratory fish is determined . . . by comparing the benefit to native migratory fish that would occur if the artificial obstruction had fish passage to the benefit to native migratory fish that would occur using the proposed alternatives to fish passage. Alternatives to fish passage must result in a benefit to fish greater than that provided by the artificial obstruction with fish passage. The net benefit to fish shall be determined based upon conditions that exist at the time of comparison.

ORS 509.585(7)(b).

The Department’s administrative rules also include a section on the criteria for “mitigation” offered in exchange for a waiver of fish passage requirements. *See* OAR 635-412-0040. The rules provide, in part:

Mitigation shall not include any activity that is a requirement or condition of any other agreement, law, permit, or authorization except if it is also for fish passage mitigation of the same action at the artificial obstruction for a different level of government.

OAR 635-412-0040(3).

Comments on Waiver Application

As noted, WaterWatch and Oregon Wild support ODFW’s finding that the proposed mitigation offered in OID’s waiver application does not provide a net benefit to migratory fish as required by statute. Based on our review of the waiver application and ODFW’s net benefit analysis WaterWatch and Oregon Wild offer the following initial comments:

1. ODFW should require the applicants to provide fish passage

Bowman Dam blocks access to nearly 500 stream miles of habitat, including habitat in the North Fork, South Fork and Beaver Creek. Bowman Dam is identified as one of the state’s 2019 Statewide Fish Passage Priority Barriers (#16 out of 589 Group 1 high priority barriers). Bowman Dam is considered the highest priority fish passage barrier in the Deschutes watershed.

Native migratory fish that could utilize habitat above the dam include, but are not limited to, redband trout, steelhead trout and Chinook Salmon. Redband trout are a state sensitive species and steelhead are listed as threatened under the federal Endangered Species Act¹. FERC licenses are granted 50 years. A waiver now would last decades into the future.

The FERC relicensing of the Pelton Round Butte Hydroelectric Project has brought anadromous fish into the upper Basin. Fish passage at Opal Springs Dam that was completed in 2019 has opened up 130 miles of habitat in the Crooked Basin below Bowman Dam (Crooked River mainstem, Ochoco Creek, McKay Creek). Passage above Bowman would open up an additional 500 miles for both anadromous and resident fish.

¹ The 10j status is time limited, and will expire in 2025. At that time, steelhead will resume their full ESA status.

Fish passage and/or dam removal at projects across the state that were thought to be improbable twenty years ago are now progressing, e.g. the upcoming removal of the four Klamath Basin Dams. To preclude fish passage for the next 50 years is short sighted. Especially on a dam that blocks such a vast amount of native migratory fish habitat. These, and other factors, lead to the conclusion that this is the time to move forward on fish passage at Bowman Dam.

2. We strongly support ODFW's determination that the mitigation offered by OID and the City does not provide a net benefit as required by statute.

Per statute, alternatives to fish passage must result in a benefit to fish greater than that provided by the artificial obstruction with fish passage. ORS 509.585(7)(b). In lieu of providing fish passage, the applicants have offered mitigation in the form of (1) gravel augmentation, (2) Ochoco Creek passage, (3) \$200,000 towards the Deschutes Land Trust's Ochoco Preserve Restoration Project, and (4) structural modifications to address total dissolved gas (TDG).

Mitigation cannot include anything that is required of by any other condition of the project. OAR 635-412-0040(3). As noted in ODFW's Net Benefit Determination, TDG will be required of any ODEQ 401 water quality certification. As such, TDG is not appropriate, nor legal, mitigation. Applicants are well aware of this, but still included this in their package. This is very misleading to the public.

Not only can TDG not serve as mitigation, but USBR analysis of TDG mitigation measures make clear that there are many uncertainties surrounding this,² including viability, quantifiable benefits at this site, problems with associated necessary actions (i.e a rock weir across the Federal Wild and Scenic section of the river), etcetera.

ODFW analysis of the remaining three actions proposed under the mitigation package found that the proposed mitigation will benefit roughly 4.2 miles of habitat downstream of Bowman Dam. As compared to the nearly 500 miles of stream miles above the dam that would be opened up by fish passage, this mitigation clearly does not meet the statutory requirement that would allow mitigation in lieu of a fish passage, namely that benefits to fish provided by mitigation are greater than benefits that would accrue if fish passage were provided.

ODFW's Net Benefit determination found that that the proposed mitigation measures do not provide a net benefit to Native Migratory Fish as required by ORS 509.585(7a and 7b) and OAR 635-412-0025(1),(2) justify a fish passage waiver at Bowman Dam. We strongly support ODFW's findings and determinations on this and urge the Fish Passage Task Force to recommend denial of the waiver application submitted. Fish passage should be required.

3. To approve mitigation in lieu of passage, the applicants must offer meaningful mitigation that will provide net benefits to fish that would be greater than that provided by passage.

As noted, Oregon's statutes require passage unless mitigation that provides a greater benefit than passage is offered. ODFW has determined that the offered mitigation package does not meet statutory standards, WaterWatch and Oregon Wild agree. That said, if the applicants continue to pursue a waiver

² USBR, Technical Memo No. TSC 86-68210-2018-05, Arthur R. Bowman Dam Total Dissolved Gas Literature Review and Analysis, 2018 (included in OID's application packet).

via an amended application, the state must ensure more meaningful mitigation to meet statutory and rule standards. Again, Bowman Dam blocks nearly 500 miles of habitat. In order to meet statutory standards, mitigation must surpass the benefits of opening up this amount of habitat.

If the applicants continue to pursue mitigation, flow restoration below Bowman Dam should be a focal point of any mitigation package. Flow is a well-documented limiting factor in the Crooked River basin. Over-appropriation of water, largely by irrigation, limits habitat quantity and quality and directly affects fish abundance, distribution, survival and reproduction.

Flow commitments should be permanent, and should be protected instream to Lake Billy Chinook. Key to any finding that flow mitigation would provide a benefit is the establishment of a secondary water right to protect any released water instream for the entire stream reach—from Bowman Dam to Lake Billy Chinook. Without a secondary water right to protect the water instream, any mitigation water for fish could be pulled onto fields for irrigation.

WaterWatch and Oregon Wild recommend that flow targets for mitigation mimic the “balanced flows” developed by Tim Hardin, ODFW, 2011 (Attachment 1), which range from 80 cfs to 140 depending on the month. While these are not the “optimal” flows needed for fish, they reflect flows that will sustain fish while still allowing irrigation.

In addition to recommending mitigation in the form of permanent water protected instream from Bowman Dam to Lake Billy Chinook, WaterWatch and Oregon Wild also recommend that the mitigation package include the withdrawal of OID’s protest of ODFW’s water right that was filed in 1990 (Attachment 2). For the past 30 years, OID has steadfastly refused to withdraw this protest, even though their water rights are many years senior to ODFW’s application.

As noted, flow is a limiting factor in the Crooked River Basin below Bowman Dam. Restoring flows to the Crooked River has been sought by state and federal agencies, the Warm Springs Tribes and conservation interests for decades.

Basin stakeholders believed this to be resolved when the 2014 Crooked River Act passed into law (Attachment 3). This Act allocates nearly half of the water in Prineville Reservoir to downstream fish and wildlife. The Act demands that the storage, release and use of water for fish be in accordance with state law, meaning that state water rights must accompany the water. Yet, just when the Bureau of Reclamation was going to submit a secondary water right to protect this water instream (Attachment 4) it was our understanding that the irrigation districts of the Crooked River Basin pressured upper management at the BOR to hold off on submitting the application. The result is that water meant for fish is going to fields.

Permanently protected instream flows should have also, in our estimation, been a key provision of the Deschutes Basin Habitat Conservation Plan that is currently awaiting finalization. Unfortunately, it is not. The Draft HCP set forth a target of 50 cfs, but this was (1) only in the winter, (2) not protected instream, (3) not permanent, (4) full of contingencies, and (5) reliant on water management actions and HCP directives that were inconsistent with the federal Crooked River Act.

Thus, despite nearly 40 years of a broad stakeholder effort to restore flows to the Crooked River, a federal Act that demands it and a HCP that by all accounts, to meet ESA standards for listed fish, should include this, districts have failed the Crooked River in this regard. This fish passage waiver

application is another example of that trajectory. OID could offer mitigation in the form of legally protected instream flow from Bowman Dam to Lake Billy Chinook, arguably the most limiting factor in the basin, but they are choosing not to. Instead they are offering mitigation that is not legal mitigation under Oregon law as it would be required anyway (TDG), and other measures that, while beneficial, fall far short of the providing a net benefit required by law.

Again, if mitigation is going to be offered in lieu of passage, the state should demand that it include the permanent restoration of flows that are protected to Lake Billy Chinook.

Conclusion: In Conclusion, WaterWatch and Oregon Wild strongly support ODFW's Net Benefit Determination that finds that the offered mitigation does not meet statutory standards that would allow a fish waiver. We urge the Fish Passage Task Force to recommend to the Fish and Wildlife Commission that the current application for fish passage waiver be denied.

To the extent there is support for hydro at Bowman Dam, the state has a responsibility to ensure that fish passage statutes and rules are adhered to. Fish passage is required by law. And while Oregon's fish passage statutes allow applicants to apply for waivers, waivers can only be granted if the mitigation will provide a greater benefit than fish passage would. If OID does not have the resources to provide passage at Bowman Dam as required by law, or is unwilling to provide mitigation in lieu of passage that would meet statute and rule requirements, it is likely that in the years to come other parties³ with the means to provide fish passage will fill that void.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Priestley", with a stylized flourish at the end.

Kimberley Priestley
Sr. Policy Analyst
WaterWatch of Oregon

A handwritten signature in black ink, appearing to read "Erik Fernandez", with a stylized flourish at the end.

Erik Fernandez
Wilderness Program Manager
Oregon Wild

³ In past years other interests have expressed interest in providing hydro at Bowman Dam, including but not limited to PGE, which developed a draft preliminary application in 2010.

White Paper

ODFW flow analyses for the lower Crooked River

I. Introduction

Discussions on how to apportion the uncontracted waters stored behind the Bowman Dam on the Crooked River have been going on for some time. All parties are concerned about the amounts of uncontracted water potentially available for different uses, and how instream flow needs may affect other uses and water rights. The purpose of these analyses is to facilitate the ongoing discussion of balancing instream flows to benefit fish, along with meeting water needs for current and future users in the basin including irrigators and the City of Prineville.

Low instream flows, particularly in the summer and fall, are harmful to fish populations in the lower Crooked River downstream of irrigation diversions, and in the winter when flows are very low from Bowman Dam to the mouth. This issue has become more pressing with the recent reintroduction of Chinook salmon and steelhead into the river. Steelhead are listed as threatened under the Endangered Species Act as part of the mid Columbia ESU. Currently hatchery origin steelhead in the Crooked River are managed according to a 10(j) experimental status, but once wild native adult fish pass upstream from Pelton/Round Butte a Habitat Conservation Plan will be needed to address habitat management (including flows). Additionally, Oregon Department of Fish and Wildlife (ODFW) and National Marine Fisheries Service recently adopted the Mid-Columbia Steelhead Recovery Plan, which is a non-regulatory plan listing actions needed to attain steelhead recovery and de-listing. The Oregon Department of Environmental Quality's 303(d) list of water quality impaired streams includes the Crooked River from river mile 0-51 (mouth to just above Prineville) for temperature and pH and River mile 51-70 (the reach up to Bowman Dam) for total dissolved gas (TDG).

The objective of this study is to model different instream flow levels in the lower Crooked River so as to provide a tool for analyzing potential benefits to anadromous and resident fish populations as well as impacts on other water uses. ODFW recognizes that the Crooked River is a managed system. The flow scenarios developed below are intended to provide improved habitat for these fish populations, while also meeting the needs of present irrigation demands, providing 5,100 acre-ft (7 cfs) of water to the City of Prineville, and minimizing the effects of drawdown on Prineville Reservoir.

II. Determination of maximum habitat flows, using existing data

The lower Crooked River from Bowman Dam to Lake Billy Chinook is 72.8 miles long. The river can be subdivided into reaches based on gradient, diversions, and groundwater accretion (Table1). The flow analyses developed here apply to the Prineville 1 and 2 and Lower Canyon (PV-1, PV-2, and LC) reaches. The Upper Canyon (UC) reach presently has relatively high flows during the irrigation season. At Osborne Canyon (downstream of Highway 97) and farther

downstream, the Crooked River gains a substantial amount of groundwater, and low flows cease to be an issue.

In 1991-92, ODFW sponsored an instream flow study (Hardin-Davis 1993) in the Crooked River, covering the four reaches described in Table 1. This study measured physical characteristics (depth, velocity, substrate, and cover) of stream reaches at 60 cross-sectional transects and then used the Physical Habitat Simulation model (PHABSIM) to measure habitat as a function of flow. Field measurements from transects were integrated with habitat preferences of fish species and resulted in Weighted Usable Area (WUA). The study focused on resident salmonids, principally redband trout. In 2001, the same field transect data from this study were reanalyzed using habitat suitability criteria for Chinook salmon and steelhead. WUA estimates the amount of habitat space provided at different flows and does not estimate the amount of habitat historically available to fish species.

The results from the 2001 reanalysis showed that maximum habitat value for juvenile steelhead was achieved at a flow of 140 cfs in the PV-1, PV-2, and LC reaches (Figure 1). Furthermore, this flow level was also optimal for most other life stages of steelhead, Chinook salmon, and redband trout. Overall, a flow of 140 cfs was determined to be the optimal flow for fish needs in the Prineville Valley and the Lower Canyon (Table 2).

Additionally, the flows that provided greater habitat area are also likely to provide cooler water temperatures throughout the Prineville Valley reach (approximately 5°F cooler for approximately 10 miles below the Ochoco Irrigation District (OID) diversion). The result would be water temperatures below 64°F (Oregon Department of Environmental Quality (DEQ) Guideline) for 10 miles and about 3°F cooler for another 10-15 miles. Whereas the 2001 analyses looked at habitat for anadromous fish, it did not analyze the flows necessary to provide that habitat in the context of other water uses. Further, ODFW recognizes that a variable flow regime is a desirable condition in the Crooked River. Historical flow data indicate that flows substantially higher than those in Table 2 commonly occur February through May and sometimes in other months as well.

III. Development of fish habitat flows balanced with other water needs

Basic calculations show that reservoir storage is insufficient to meet current irrigation demands and also provide the WUA-maximizing flow of 140 cfs all the way downstream through the Lower Canyon. Since about 70 cfs is diverted at North Unit Irrigation District (NUID), just upstream of the Lower Canyon, provision of 140 cfs in the Lower Canyon would require about 210 cfs at the downstream end of the Prineville Valley. This analysis assumes no reduction in current legally authorized and/or contracted irrigation water use. For this reason, ODFW set reach priorities, and also adjusted the modeled fish habitat flows downward from the optimal WUA-maximizing flows in certain months

PV-1 as priority reach: The upper Prineville Valley reach (PV-1) was set as the highest priority. It is a low-gradient, unconfined reach with abundant gravels, and thus has high potential for

spawning as well as rearing. PV-1 is subject to very low flows; it is affected by the OID and several smaller diversions that remove about 188 cfs during irrigation season (April 15-October 15), and little or no accretion occurs within the reach. In addition, based on preliminary DEQ temperature models, boosting summer flow releases at the dam will significantly lower water temperatures throughout this reach. The combination of increased WUA (more habitat space) and lower summer temperature is expected to result in dramatically better rearing conditions through the irrigation season. These benefits will likely also carry into the PV-2 reach for some distance. An added benefit is the increased connectivity with the designated Wild and Scenic UC reach upstream, which presently has relatively high flow and low temperature during the irrigation season.

Balancing the fish habitat flows (median year): A minimum flow of 140 cfs in PV-1 year-round was found to still require a large amount of stored water. Calculations using existing inflow and outflow records show that providing a minimum flow of 140 cfs year-round in PV-1 would use about 41,600 A-ft more stored water than is used under present operations in a median year.

ODFW examined the WUA curve (Figure 1) and found that some adjustments could be made to the maximum habitat flow with some sacrifice of habitat gains. The resulting balanced monthly flows (Table 3) maintain 90% or better WUA in PV-1, but use about 20,000 A-ft less storage compared to the constant flow of 140 cfs.

Flows for a dry year: The balanced flows in Table 3 apply to a median (or wetter) water year. In a dry year, stored water in the reservoir would be insufficient to provide these flows and still meet irrigation demands as well as maintain adequate reservoir levels. Therefore, ODFW developed a set of scenarios of reduced fish habitat flows for a dry-year. ODFW defined a dry year as an 80% exceedance year, which on average occurs one year in five.

In a dry year, a flow of 60 cfs in PV-1 would provide about 80% of maximum WUA. During August through October, this dry-year flow is scaled back to the natural 80% exceedance flow, with the rationale that these flows (46-52 cfs depending on the month) would have occurred about this often in an unregulated river (Table 4). These dry-year flows would provide maintenance-level habitat for PV-1 but poor habitat for the LC reach.

The difference between median-year to dry-year flows is substantial. In a drier than average year (but better than 80% exceedance), providing median year flows would use too much storage, but providing only the dry-year flows would maintain negative conditions for the fishery. For this reason, ODFW modeled flow scenarios for 60% and 70% exceedance years by interpolating between the median and dry year flows (Table 4).

WUA effects of balanced flows: In a median or better year, WUA values in the PV-1 reach would be 90% or more of maximum values. They would be the same or better in the PV-2 reach, since inflow generally exceeds diversion within PV-2. WUA is estimated at 82-96% in the LC reach during the irrigation season (Table 5), assuming NUID diversions are no more than 70 cfs (NUID diversions have averaged about 70 cfs during irrigation season, but the amounts are highly variable).

In a dry (80% exceedance) year, the modeled flows would attain WUA values at 70-80% of optimal values in PV-1 with the dry-year balanced flows during irrigation season. WUA values would be only 29-44% of optimum in the LC reach. In other words, providing only enough instream flows for minimal habitat maintenance in the PV-1 reach would result in poor habitat conditions in the LC reach. A major consequence of these flow conditions could be that Chinook salmon migrating upstream to spawn are blocked from getting above the LC reach by low flows and high temperatures.

IV. Effects on other water uses

Water for City of Prineville

It has been proposed that 5,100 A-ft per year be allocated to the City of Prineville. This amount is understood to be mitigation water for economic development, to remain instream all the way to the mouth. Assuming this amount is released constantly from the reservoir, it equates to just over 7 cfs.

This 7 cfs is compatible with instream flows for fish habitat, and would be accounted for in the same way as other instream flows. That is, this 7 cfs could be counted as part of the balanced monthly instream flow, since it remains in the river all the way through the PV and LC reaches.

Irrigation

ODFW flow analyses assume existing irrigation usage amounts down to 80% exceedance conditions. Thus, the balanced instream flows would have essentially no effect on existing irrigation allocations from Bowman Dam down to the 80% exceedance level. In a drought year (drier than 80% exceedance), all users would need to work out agreements to balance needs among instream flows, irrigation, and reservoir levels.

Irrigation diversions in the LC reach are not straightforward to account for in regard to the instream flows. Current average irrigation use by NUID is estimated at 70 cfs and this analysis assumes continuation of irrigation water use at that level. However, the present capacity of the pumps at the upstream end of this reach is 153 cfs, and the total (live flow) irrigation water rights for this reach are roughly 400 cfs (K. Gorman, WRD, personal communication).

If water diversion for NUID is increased, ODFW cannot presently evaluate the compatibility of this scenario with instream flows and fisheries, particularly within the LC reach. To do so, ODFW would need to know more about the volume of increase, the timing and monthly pattern of use, and whether use of this allocated water will offset some of the present use of live flow, or be additive.

Reservoir Levels and Storage Used

The ODFW-modeled scenarios would increase instream flows in the PV and LC reaches, and will thus require higher dam releases. The modeled flows will use more storage and result in lower reservoir levels compared to existing operations.

In order to estimate the effects of instream flow provision on reservoir levels, ODFW developed a simple spreadsheet reservoir model. With this model, ODFW estimated the amount of stored water needed for modeled instream flow levels, and also the changes in reservoir elevation (for relating to boat ramp elevations).

The major factors that determine reservoir level at a given date are: initial reservoir level at the start of irrigation season, inflow to the reservoir during the month, and outflow from the dam during the month. The basic calculations work as follows. (Note: The ODFW values are approximations. US Bureau of Reclamation (USBR) modeling is needed to verify and fine-tune these results).

1. Set the starting volume. On April 16, start of irrigation season, start with the volume of the reservoir, based on 1989-2011 actual data. This starting value is the exceedance value to be simulated. For example, if simulating a median year, start with the 50% exceedance reservoir volume (148,640 A-ft); if simulating an 80% exceedance year, start with the 80% volume (128,341 A-ft).
2. Calculate the change in volume and elevation at the end of the month. Add the total inflow for the time period based on the Crooked River gage above the reservoir. Subtract the outflow using the dam releases for the time period, using the same exceedance level as in step 1. The end volume on April 30 is equal to the starting volume, plus inflow, minus outflow. The end-of-month volume can be more or less than the start, but not over 148,640 A-ft (full pool). Monthly volume gains generally occur in the off-season, but also in April and May.
3. Repeat for remaining months. For May, the starting volume is equal to the end volume calculated for April, and so on.
4. Reservoir levels. The reservoir level at the beginning or end of each month can be directly determined from the calculated volume, and vice-versa, based on USBR tables. The calculated reservoir level each month can be used to assess the impact on reservoir boat ramps.
5. Reservoir volume and storage used. The difference in calculated volume for a given instream flow level vs. existing conditions for a certain month is equal to the amount of additional storage required for the ODFW flows during that month. The maximum of the cumulative difference in reservoir volume over the course of the year is the estimated amount of additional stored water needed by the series of instream flows. For example, for the median simulation, the maximum change in reservoir volume compared to the existing condition is reached at the end of November. The value, 22,827 A-ft, is the estimated amount of additional storage needed in a median year to accomplish the median-year balanced instream flows.

Changes in storage and reservoir elevation

Based on ODFW calculations, provision of the balanced instream flows would use about 20,000 to 23,000 A-ft of additional storage per year. This increased use of stored water would also lower the reservoir level by about 4.5 to 5.3 feet by Labor Day each year, compared to existing operations (Table 6). Without ramp extensions or other actions, the instream flows would reduce access to the USBR ramps at Jasper Point and Powderhouse Cove in drier-than-

average years, but would have little effect on the State Park ramp (Table 7). (*Calculated volumes were converted to reservoir surface elevations using USBR tables. Boat ramp elevations were obtained from Oregon State Parks and USBR; it was assumed that a water elevation 6 ft above the “toe” of the ramp would be needed to launch).

V. Summary

ODFW used existing studies and data to model instream flows below Bowman Dam.

The analysis assumed provision of 5,100 A-ft (7 cfs) of water to the City of Prineville for mitigation needs / ODFW also assumed protection of existing irrigation water use.

Instream flows to benefit fish and water quality can still be achieved in light of the above assumptions.

The PV-1 reach (OID Diversion to Ochoco Cr.) is the highest priority for instream flows to benefit the fishery.

Balanced instream flows for median and better years are 80 to 140 cfs in the PV-1 reach.

Balanced instream flows for dry (80% exceedance) years are 46 to 60 cfs in the PV-1 reach.

The combination of more habitat space and improved temperature in the PV-1 reach is expected to greatly increase fish production.

Habitat improvement will also occur in the LC in median years, but not in dry years.

The balanced flow calculations were made assuming no change in existing irrigation usage down to 80% exceedance conditions. (No specific calculations were made for conditions drier than 80% exceedance. All water users will need to negotiate solutions in the driest years).

Stored reservoir water needed to implement the balanced flows is estimated at 20,000-23,000 A-ft per year.

The balanced instream flows would lower reservoir levels by an estimated 5 feet by Labor Day, compared to existing conditions.

ODFW volume and elevation results are based on a simple model, and need to be verified by more detailed USBR reservoir modeling.

ODFW flow analyses for the lower Crooked River

Tables and Figures

Table 1. Crooked River reaches between Bowman Dam and Osborne Canyon.

Table 2. Flows providing 100% WUA by reach and life stage, from the 1993 and 2001 PHABSIM reports.

Table 3. Balanced fish habitat flows in PV-1 reach for median or better year.

Table 4. Balanced fish habitat flows by water year type.

Table 5. Weighted Usable Area in PV-1 and LC reaches with median and dry year balanced flows.

Table 6. Increased storage used annually, and decrease in reservoir elevation on Labor Day, for balanced instream flows compared to existing operations.

Table 7. Estimated boat ramp access for existing conditions compared to balanced flows.

Figure 1. Weighted usable area (WUA) vs. flow for juvenile steelhead in the Prineville Valley reach.

Table 1. Crooked River reaches between Bowman Dam and Osborne Canyon.

Reach	Abbrev	Description	River miles	Length	Flow characteristics
Upper Canyon	UC	Dam to OID Diversion	72.8 - 57.2	15.6	Ample flow during irrigation season
Prineville Valley 1	PV-1	OID to Ochoco Cr	57.2-47.6	9.6	About 188 cfs diverted, so flow is 188 cfs less than UC
Prineville Valley 2	PV-2	Ochoco Cr to North Unit	47.6 -27.6	20	Diversions and some inflow; net flow about 160 cfs less than UC
Lower Canyon	LC	North Unit to Osborne Canyon	27.6 - 14	13.6	Another 70 cfs diverted; about 230 cfs less than UC

Table 2. Flows providing 100% WUA by reach and life stage, from the 1993 and 2001 PHABSIM reports.

flow providing maximum WUA						
Reach	Chinook juvenile	Steelhead juvenile	Redband adult	Chinook spawning	Steelhead spawning	Redband spawning
PV	140	140	140	110	80	80
LC	140	140	140	140	140	140

percent maximum provided by 140 cfs						
	Chinook juvenile	Steelhead juvenile	Redband adult	Chinook spawning	Steelhead spawning	Redband spawning
PV	100%	100%	100%	80%	69%	80%
LC	100%	100%	100%	100%	100%	100%

Table 3. Balanced fish habitat flows in PV-1 reach for median or better year.

Month	Flow for Max WUA	Balanced instream flow	% max WUA	Existing flow, median yr	Existing WUA, median yr
April (16-30)	140	140	100%	395	100%
May	140	140	100%	124	99%
Jun	140	120	99%	50	73%
Jul	140	120	99%	43	68%
Aug	140	100	95%	43	68%
Sep	140	100	95%	24	49%
Oct (1-15)	140	100	95%	10	28%
Oct (16-31)	140	100	95%	96	94%
Nov	140	100	95%	69	85%
Dec	140	80	90%	74	87%
Jan	140	80	90%	91	93%
Feb	140	100	95%	176	100%
Mar	140	140	100%	168	100%

Apr (1-15)	140	140	100%		410	100%
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Table 4. Balanced fish habitat flows by water year type.

Month	Monthly flows (cfs) by water year type			
	50% exc	60% exc	70% exc	80% exc
April (16-30)	140	114	86	60
May	140	114	86	60
Jun	120	100	80	60
Jul	120	100	80	60
Aug	100	82	64	46
Sep	100	84	68	52
Oct (1-15)	100	84	68	52
Oct (16-31)	100	84	68	52
Nov	100	87	73	60
Dec	80	73	67	60
Jan	80	73	67	60
Feb	100	87	73	60
Mar	140	114	86	60
Apr (1-15)	140	114	86	60

Table 5. Weighted Usable Area in PV-1 and LC reaches with median and dry year balanced flows.

Month	Median Yr			Dry Yr (80%)	
	PV-1	LC		PV-1	LC
Apr16-30	95%	96%		70%	44%
May	95%	96%		75%	44%
Jun	95%	90%		74%	44%
Jul	95%	90%		75%	44%
Aug	95%	82%		80%	29%
Sep	90%	82%		80%	29%

Oct1-15	90%	82%		80%	29%
Oct16-31	95%	100%		80%	81%
Nov	100%	100%		80%	86%
Dec	100%	99%		80%	87%
Jan	100%	100%		80%	88%
Feb	100%	100%		80%	90%
Mar	99%	100%		80%	96%
Apr1-15	99%	100%		80%	95%

Table 6. Increased storage used annually, and decrease in reservoir elevation on Labor Day, for balanced instream flows compared to existing operations.

Year Type	Change in Storage	Change in Elevation
Median	22,827	-5.3
60% Exceedance	20,847	-4.6
70% Exceedance	22,889	-5.1
80% Exceedance	20,389	-4.5

Table 7. Boat ramp access with existing conditions and with balanced flows.

Res. Elevation, Labor Day			USBR Ramp access		State Park Ramp	
Year type	Existing	ODFW	Existing	ODFW	Existing	ODFW
median	3220.8	3215.5	yes	yes	yes	yes
60Exc	3218.9	3214.3	yes	no	yes	yes
70Exc	3217.9	3212.8	yes	no	yes	yes
80Exc	3210.7	3206.2	no	no	yes	yes

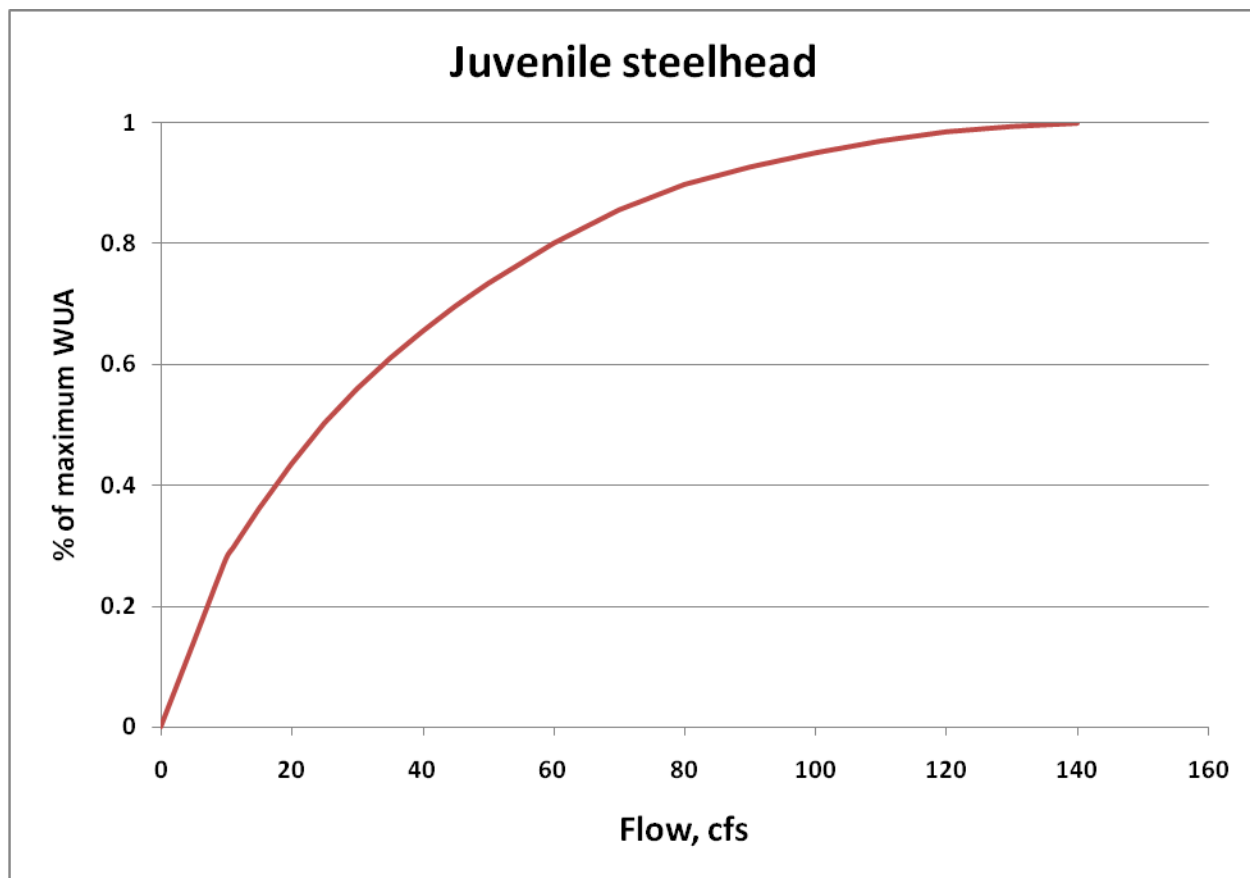


Figure 1. Weighted usable area (WUA) vs. flow for juvenile steelhead in the Prineville Valley reach.

IWR Application # 70354 ✓ Certificate # _____

STATE OF OREGON

WATER RESOURCES DEPARTMENT

Application for Instream Water Right
by a State Agency

There is no fee required for this application.

Applicant: Randy Fisher for Oregon Department of Fish and Wildlife, PO Box 59, Portland, OR 97207

1. The name of the stream of the proposed instream water right is Crooked River, a tributary of Deschutes River.
2. The public uses this instream water right is based upon include providing minimum stream flows for wild rainbow trout for migration, spawning, and juvenile rearing.
3. The amount of water needed by month for each category of public use is as follows:

USE(S): Migration, spawning, and juvenile rearing.

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<u>75</u>	<u>75/</u>	<u>255</u>	<u>255</u>	<u>255</u>	<u>150</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>
	<u>150</u>										

4. The reach of the stream identified for an instream water right is from (upstream end) Bowman Dam, river mile ~71, within the SW quarter of the NW quarter of Section 11, Township 17S, Range 16E W.M., in Crook County...

Downstream to Lake Billy Chinook, river mile ~6, within the NW quarter of the NE quarter of Section 33, Township 12S, Range 12E W.M., in Crook County.

5. The method used to determine the requested amounts was direct measurement and the Oregon Method.
6. When were the following state agencies notified of the intent to file for the instream water right?

Dept. of Environmental Quality	Date: <u>April 25, 1990</u>
ODFW (Fish, Wldlf, and Habitat Div's)	Date: <u>April 25, 1990</u>
Parks and Recreation Division	Date: <u>April 25, 1990</u>

7. If possible, include recommendations for measuring locations or methods:

IWR Application # 70354 Certificate # _____

Establish a gaging structure near the downstream limit of reach, perhaps near the town of Prineville.

8. If possible, include recommendations for assisting the Water Resources Department (WRD) in measuring and monitoring procedures:

ODFW will assist the watermaster in establishing and implementing a monitoring program.

9. If possible, include other recommendations for methods or conditions necessary for managing the water right to protect the public uses [see OAR 690-77-020 (5)(c)]: Since critical flows have been identified in both winter and summer, flows need to be monitored year round.

10. Remarks: Managed for wild fish. Receives heavy angler use. Upper 18 miles of reach is designated as "recreation" under the Wild and Scenic Rivers Act.

THIS APPLICATION MUST BE ACCOMPANIED BY A BASIN MAP WITH THE APPLICABLE LAKE OR STREAM REACH IDENTIFIED.

An instream water right may be allowed for an instream beneficial use of water subject to existing water rights with an effective date prior to the filing date of this application.

This type of beneficial use is for the benefit of the public and a certificate issued confirming an instream water right shall be held in trust by the Water Resources Department for the people of the State of Oregon, pursuant to ORS 537.341.

Date: 5/9/90 Signed: Nancy M. MacHugh

Oregon Department of Fish and
Wildlife

Assistant Director
Habitat Conservation Div.

File: CROOKED1.APP

RECEIVED
MAY 11 1990

MAY 11 1990

WATER RESOURCES DEPT.
PORTLAND, OREGON

IWR Application # 70354 Certificate # _____

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return them for:

In order to retain its priority, this application must be returned to the Water Resources Department with corrections on for before

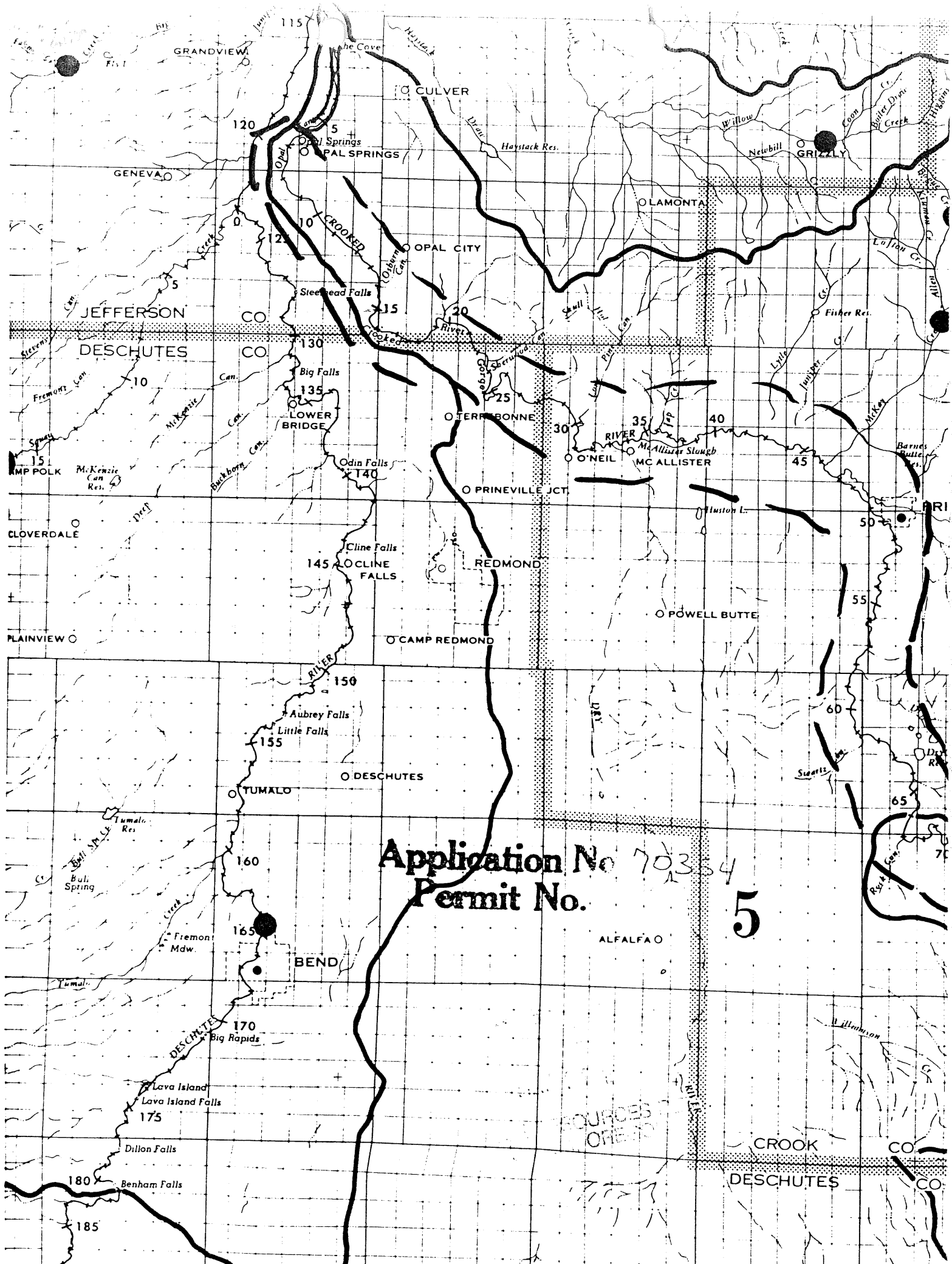
_____, 19____.

Date: _____, 19____.

This document was first received at the Water Resources Department in Salem, Oregon, on the 11th day of May, 1990, at 8:00 o'clock A M.

Water Resources Department
3850 Portland Rd NE
Salem, OR 97310

WATER RESOURCES DEPT.
SALEM, OREGON



Application No 70354
Permit No.

5

FOURCES
ONE

CROOK CO
DESCHUTES CO

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.oar). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: source of water requested
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☒ SECTION 6: resource protection
- ☒ SECTION 7: project schedule
- ☒ SECTION 8: within a district
- ☒ SECTION 9: remarks

Attachments:

- ☒ Land Use Information Form with approval and signature of local planning department(*must be an original*) or signed receipt. **See Attachment A: Land Use Information Forms**
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. **See Attachment B: Legal description for the point of diversion (Arthur R. Bowman Dam).**
- ☐ Fees - Amount enclosed: \$ 84,380.40
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included: **(See Attachment C)**

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☒ N/A Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☒ N/A Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other:

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME U.S. BUREAU OF RECLAMATION, ATTN: DAWN WIEDMEIER**			PHONE 509-575-5848	FAX
**SEE SECTION 9 (REMARKS) AND ATTACHMENT E				
ADDRESS 1917 MARSH ROAD				CELL
CITY YAKIMA	STATE WA	ZIP 98901-2058	E-MAIL * WIEDMEIER, DAWN A (DWIEDMEIER@USBR.GOV)	

Representative Information


REPRESENTATIVE / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: ADAM SUSSMAN			PHONE 541-257-9001	FAX
ADDRESS 1600 WESTERN BLVD., SUITE 240				CELL 541-602-5188
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * ASUSSMAN@GSIWS.COM	

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (Paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.
- I have not provided my social security number in any of the materials submitted to the Department.

 I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

Dawn Wiedmeier, Area Manager

Print Name and title if applicable

Date

App. No. _____

For Department Use
Permit No. _____

Date _____

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- ☐ Yes
- ☐ There are no encumbrances.
- ☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☒ No **The Applicant is the federal government and considered a public corporation for the purposes of ORS 537.211(6).**

- ☐ I have a recorded easement or written authorization permitting access.
- ☐ I do not currently have written authorization or easement permitting access.
- ☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- ☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

N/A-The Applicant is the federal government.

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3 Any property on which the water is to be used as depicted on the map. See Attachment B for the legal description of the property where water is to be diverted.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Prineville Reservoir Tributary to: Crooked River

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Certificate 93660. See Attachment D

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

- ☒ Yes.
- ☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☒ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.

A copy of your written agreement with the party (if any) delivering the water from the reservoir to you. **N/A-The Applicant is the Reservoir owner and operator.**

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Prineville Reservoir	Downstream fish life and wildlife use.	Year-round at a variable rate of release as determined by the Bureau of Reclamation in consultation with other agencies, in accordance with the Crooked River Collaborative Water Security and Jobs Act of 2014.	68,887 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only: N/A

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: _____ Acres Supplemental: _____ Acres

If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: _____

- If the use is **municipal or quasi-municipal**, attach **Form M: N/A**
- If the use is **domestic**, indicate the number of households: N/A
- If the use is **mining**, describe what is being mined and the method(s) of extraction: N/A

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

☐ Pump (give horsepower and type): _____

☒ Other means (describe): Water will be released from the Prineville Reservoir outlet into the Crooked River for downstream fishlife and wildlife use.

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

N/A: the released stored water will remain instream for downstream fishlife and wildlife use.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

N/A: the released stored water will remain instream for downstream fish life and wildlife use.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The proposed released stored water will provide a public benefit from Prineville Reservoir to Lake Billy Chinook.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- ☒ Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: N/A: The proposed release of stored water will not use a diversion.
- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: The proposed release of stored water will not require evacuation or clearing of banks.
- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: The proposed release of stored water will not require operating equipment in a water body.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: The proposed release of stored water will not involve erosion or run-off of waste or chemical product.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: N/A: no construction is necessary for the proposed use.

Date construction will be completed: N/A: no construction is necessary for the proposed use.

Date beneficial water use will begin: Within 5 years of permit issuance.

SECTION 8: WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district. N/A: The point of diversion is a federal project owned and operated by the U.S. Bureau of Reclamation and the place of use is within the Crooked River from AR Bowman Dam to Lake Billy Chinook. Water will not be served by a district.

Irrigation District Name	Address	
N/A		
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

The Applicant, the U.S. Bureau of Reclamation, will hold this secondary right for downstream fishlife and wildlife use.

The rate of release of the 68,887 acre-feet, including the shaping of the release, shall be determined by the Bureau of Reclamation in consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service in accordance with the Crooked River Collaborative Water Security and Jobs Act of 2014 (2014 Act.) (See Attachment E).- Reclamation intends to manage the releases such that the release of the stored water in combination with other releases from Prineville Reservoir and natural streamflow does not exceed 3,000 cfs measured at gage PRVO, Crooked River near Prineville (<http://www.usbr.gov/pn/hydromet/destea.html>). Reclamation intends to meet the 10 cfs minimum flow established in the 1956 Crooked River Project legislative authorization. Reclamation intends to meet, to the extent practicable, the recommended 80 cfs minimum flow target established in the Deschutes Subbasin Plan (Northwest Power and Conservation Council, 2005), and referenced in the 2014 Act.

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6-22-2020

The Sunriver Anglers (SRA) are 180 members who are primarily residents of the Deschutes above Benham Falls. Conservation is a component of our mission. Consistent with that, we support Ochoco Irrigation District's Fish Passage Waiver Request. We provide the following comments and recommendations in support of that approval:

1. The \$72-250M fish passage is not economically feasible for the hydro project partners. Fish passage is unrealistic, and denying the Waiver results in neither OID mitigation activities nor conservation funding over the permit life.
2. The fish passage would also serve as a downstream conduit for invasive largemouth bass, crappie, and bullheads. There will be no reversing that or its impacts downstream of Bowman.
3. Habitat above Bowman dam is marginal at best, and restoration is unfunded. Attempts to establish a population of redband trout above Bowman failed after several years.
4. Re-establishing a viable population of steelhead before "experimental status" expires in 2025 is critical to future species rule-making. Spawning gravel augmentation is vital to that effort and will also benefit native trout, whitefish, and other species. Who determines the timing and quantity of additional gravel supplied on an "as needed" basis must be clarified in any agreement.
5. The project will mitigate TDGs and GBD. The administrative rule blocking consideration of that mitigation for Waiver purposes because it fulfills DEQ requirements doesn't change its real world value. That mitigation must be considered for waiver purposes.
6. Per the application, the project will have "no impact on existing operations". Assurances that flows won't be disrupted during construction are mandatory.
7. The "portion of revenue" (%) that will be dedicated to water conservation and water quality improvement projects should be specified. Clarification is also needed re the estimated \$300K annual net profit. Is that OID's net portion or is it to be split between the three partners? The order of magnitude of profit matters in determining its average annual value.
8. The removal of the two fish barriers and the restoration of the Land Trust's preserve will provide approximately 4.3 miles of quality spawning and life-stage habitat.

In summary, SRA believes that the mitigation efforts of OID and its partners are both achievable and sufficient to warrant approval of the Fish Passage Waiver Application.

Respectfully,

Jeff Wieland
Conservation Representative on behalf of Sunriver Anglers

June 13, 2020

Ted G. Wise
Oregon Department of Fish and Wildlife
61374 Pharrell Rd.
Bend, Oregon 97702

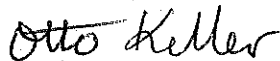
Dear Mr. Wise,

I am the owner of the Jake Place Ranch, a 1300 acre property on the South Fork, Crooked River, upstream of the Bowman Dam. I strongly support the creation of a fish passage facility at Bowman Dam that would allow wild salmon, steelhead and redband rainbow trout to have access to hundreds of miles of water above the the Dam.

After years of work and substantial financial investment in restoring more than 3 miles of riparian habitat on both shores of the S. Fork of the Crooked River, at great cost to me, the Federal Government, Oregon State University and the Oregon Natural Desert Association, and Oregon Youth Conservation Corps, it would be fitting and wonderful to welcome back wild fish, in some cases, all the way from the Pacific Ocean!

I urge you to require fish passage on the Bowman Dam. Bring back wild salmon, steelhead and redband rainbow to the Crooked River above the Bowman Dam. Stand strong and do not allow a mitigation effort to replace passage. This is very important to the entire Crooked River watershed.

Sincerely,



Otto Keller
Owner, Jake Place Ranch
Paulina, Oregon

Mailing address:
13878 SE Mountain Crest Drive
Happy Valley, Oregon 97086

June 18, 2020

Ted Wise
ODFW
61374 PARRELL ROAD
Bend, Oregon 97025 97702

Dear Mr. Wise,

I am the owner of River City Fly Shop in Tigard, Oregon. Although we are about 180 miles from the Crooked River, our staff and many customers enjoy fishing the Crooked River. We tie and sell many flies, fly lines, rods and other tackle specifically focused on fishing for redband rainbow on the Crooked River. We have an economic interest on the quality of fishing in the Crooked.

I'm writing to you today to strongly advocate for the creation of passage for fish over the Bowman Dam. Over the years, the irrigation district has operated the dam as if no fish lived in the river. The Crooked River has decent to excellent fly fishing for wild redband trout DESPITE the operation of the Dam. It could be much better! It's about time that fish and wildlife were a consideration in Crooked River management. Providing passage over the Dam is a first important step. I would also advocate for guaranteed optimal flows for fish from the Dam to the Deschutes River.

The thought of salmon and steelhead spawning in the Crooked River and its tributaries is incredibly exciting to me and my customers! With salmon and steelhead spawning and dying in the upper Crooked, tons of food from the ocean will be deposited in the Crooked and throughout its watershed. This will feed resident fish, thereby improving fishing for redband rainbows. It will also feed juvenile salmon and steelhead and many other species of wildlife. This is to say nothing for salmon and steelhead fishing on the Crooked.

From my point of view, providing passage for fish over the Bowman Dam giving access to 100s of miles of additional water for salmon and steelhead is a total game changer for Central and Eastern Oregon fish and wildlife. I urge you to demand passage for fish over the Bowman Dam, along with optimal water flows for fish.

Best fishes!



Don Nelson

Owner, River City Fly Shop
11429 Scholls Ferry Road
Beaverton, Oregon 97008



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
304 S. Water Street, Suite 201
Ellensburg, Washington 98926-3617

June 22, 2020

Ted Wise
East Region Hydropower Program Coordinator
Oregon Department of Fish and Wildlife
61374 Parrell Road
Bend, Oregon 97702

Re: Oregon Department of Fish and Wildlife Benefit Analysis for the Bowman Dam Fish Passage Waiver Application

Dear Mr. Wise:

The National Marine Fisheries Service (NMFS) has reviewed the Oregon Department of Fish and Wildlife's (ODFW) Benefit Analysis, dated June 1, 2020. The Benefit Analysis pertains to the Ochoco Irrigation District's (OID) proposed Bowman Dam Hydroelectric Project and application to the State of Oregon for a fish passage waiver.

Bowman Dam is located on the Crooked River roughly 20 miles south of the City of Prineville in Crook County, Oregon. The dam is owned by the U.S. Bureau of Reclamation and was originally authorized for flood control and irrigation. The dam, completed in 1961, does not include any hydropower or fish passage facilities. The OID is seeking to install a 3-megawatt hydropower facility at the downstream toe of the dam. The proposed project would require modifications to the dam's intake gates and spillway.

Oregon Revised Statute (ORS) 509.585 requires that modifications to existing dams without fish passage must provide passage, or in lieu of passage provide mitigation that results in an equal or greater value to fish passage. The ODFW's benefits analysis concluded that the conservation measures proposed by OID do not result in a net benefit to native migratory species and are therefore recommending to its Commission that OID's fish passage waiver request be denied. It is our understanding that ODFW will continue to pursue mitigation options with OID.

NMFS supports and values ODFW's substantial efforts to fulfill its obligations under ORS 509.585. Furthermore, ODFW must address the needs of both anadromous and resident fish species. Our comments are provided in the context of the biological needs of anadromous fish. We believe that the mitigation and enhancement measures proposed by OID (discussed below) do provide conservation benefits for anadromous fish. We expect that OID would abandon the proposed project if fish passage is required and therefore these benefits would not be realized.



Ochoco Irrigation District Conservation Measures

Gravel Augmentation: The OID proposes to initially add 500 cubic yards of gravel to the Crooked River below Bowman Dam. The gravel would be of suitable size for both resident and anadromous fish spawning. The OID would monitor the movement of this gravel for the first 3 years and every 5 years afterword. Gravel would be replenished when needed and OID proposes to coordinate with ODFW on the augmentation program.

Gravel augmentation could be a significant benefit to reintroduced anadromous fish species, but we agree that this measure needs more refinement. We note that the normal transport of gravel from upstream sources is entirely blocked by the dam which has existed since 1961.

Ochoco Creek Passage: The OID proposes to give the Crooked River Watershed Council \$90,500 in funds to install a fish passage structure on a diversion at about river mile 9 on Ochoco Creek. The diversion belongs to the Prineville Golf Club. Passage at this diversion would provide an additional 2.25 miles of habitat and has been a priority for anadromous fish reintroduction.

Ochoco Preserve: The OID also proposes to provide approximately \$200,000 for further habitat restoration work at the Ochoco Preserve. This is a 185-acre property acquired by the Deschutes Land Trust in 2017 that includes about 0.9 miles of Crooked River riparian habitat and is located between the Ochoco and McKay Creek confluences with the Crooked River. While OID has not proposed any specific restoration action, this is a significant contribution and can be matched with other funds to complete meaningful restoration in the Crooked River and Ochoco and McKay Creeks.

Total Dissolved Gas: The OID proposes to include in its hydropower plant design a method to reduce total dissolved gas (TDG). Several studies have shown that the Oregon state standard for TDG of 110 percent saturation is exceeded starting at flows of 600 cubic feet per second (cfs), and have been observed to be as high as 122 percent saturation at flows of 1,500 cfs and above. This condition can persist for several miles downstream of Bowman Dam and there is no meaningful way for resident and anadromous fish species to escape supersaturation except to move miles downstream. The ODFW has observed gas bubble disease in resident fish species after high flow events.

We appreciate that ODFW cannot consider this measure in its net benefit analysis since meeting Oregon water quality standards would be a normal requirement under the state's Clean Water Act section 401 certification. Moreover, OID's ability to reduce TDG through the hydropower plant is qualitative as no design has been developed. Nevertheless, the problem is a creation of the dam and the proposed hydropower plant could help lessen the impact of TDG. The opportunity to reduce TGD may not be realized should the project be abandoned.

Flow Control

The existing flow release gates are manually operated which requires OID staff to make a 40-mile roundtrip from Prineville to make flow adjustments every time irrigation water is called for

and again when it is called to be turned down or off. These roundtrips are also made when releases of uncontracted fish and wildlife water are increased and again when reduced. Furthermore, changes to release volumes can only occur in large increments precluding the ability to ramp flows up or down at a rate that is protective of both resident and anadromous fish species.

The proposed hydropower plant is expected to eliminate these problems by automating the gates and providing the means for fine-scale adjustments to the flow rate. This would be protective of fish that seek cover in off channel habitat or rear along the edges of the river.

Habitat above Bowman Dam

ODFW estimates that upstream passage at Bowman Dam would provide access to about 63 miles of steelhead and 53 miles of spring-run Chinook salmon habitat. A recent evaluation¹ of anadromous fish habitat above Bowman Dam was conducted using Oregon's Aquatic Inventory Project (AIP) and HabRate. This study assessed quality of potential habitat for steelhead and spring-run Chinook salmon.

HabRate predicted that 81.1 percent (43.5 miles) of streams with steelhead spawn-to-emergence habitat is in poor condition, 11.3 percent (5.6 miles) is in fair condition, and just 0.6 percent (0.3 miles) is in good condition. Likewise, spawn-to-emergence habitat spring-run Chinook salmon was predicted to be poor in 81.1 percent (43.5 miles), fair in 10.6 percent (5.2 miles) and good in only 1.4 percent (0.7 miles). HabRate did predict that habitat for juvenile rearing was good to fair for steelhead and spring-run Chinook salmon. The authors noted that HabRate could only be applied in areas where AIP data were available and that those data were collected between 1993 and 2003. Habitat restoration work has occurred in the upper basin since the AIP data were collected.

While ODFW notes that there are many miles of stream above Bowman Dam, most of the good quality habitat may be upstream of natural barriers. Also, the Crooked River above Bowman Dam experiences extreme low flow during the summer and fall.

Fish Passage

The OID evaluated several fish passage concepts and estimated costs for both upstream and downstream passage at Bowman Dam.² We will not repeat the concepts evaluated in this study but it concluded that upstream passage, either with a ladder or trap and haul facility, could be achieved at a cost of 2 to 5 million dollars. Six concepts were considered for downstream passage and estimated costs ran from \$50 million to \$120 million. A 3-megawatt project cannot support these costs.

¹ *Assessment of native migratory fish habitat in the upper Crooked River basin*. Mt. Hood Environmental technical report. March 11, 2020.

² *Fish passage feasibility assessment, Bowman Dam Hydroelectric Project (FERC No. 14791)*. R2 Resource Consultants, Inc. April 2020.

We believe that the proposed Bowman Dam Hydroelectric Project does provide needed measures to support the ongoing reintroduction of steelhead and spring-run Chinook salmon. We are concerned that OID would have no choice but to abandon the project if passage is required and that the proposed measures would never be achieved. We do support further discussion between OID and ODFW to reach an agreement on conservation measures.

Thank you for the opportunity to review and comment on ODFW's net benefit analysis. Should you have any questions, please contact Scott Carlon at (503) 231-2379 or by email (scott.carlon@noaa.gov).

Sincerely,



F. Dale Bambrick, Chief
Columbia Basin Branch
Interior Columbia Basin Office

cc: Ken Homolka – ODFW, Salem
Peter Lickwar – USFWS, Bend

Good Day,

It has come to my attention that the 2019 reported use for all three of your points of diversion are questionably high.

Below is a screenshot of the use, as reported, for Report ID 68110 Tom's House POD:

X

Facility Water Use Report																
TOMS HOUSE POD Report ID: 68110																
MISSION CREEK RESERVOIR: TOMS HOUSE POD; 1250 FEET SOUTH AND 1390 FEET WEST FROM SE CORNER, DLC 67 4S-2W-17-NE SW; Permit: S 55200 *																
KELLY FARMS																
Records per Page: 5																
Water Year	Reporter	Type of Measurement	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Irrigated Acres
2019	Thomas W Kelly	FMT	A	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2365.0	26425.0	15911.0	30646.0	0.0	100.0

Below is a screenshot of the use, as reported, for Report ID 68111 Nick and Tinas POD:

X

Facility Water Use Report																
NICK AND TINAS POD Report ID: 68111																
MISSION CREEK RESERVOIR: NICK AND TINAS POD; 2610 FEET SOUTH AND 2730 FEET WEST FROM SE CORNER, DLC 67 4S-2W-17-SW SW; Permit: S 55200 *																
KELLY FARMS																
Records per Page: 5																
Water Year	Reporter	Type of Measurement	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Irrigated Acres
2019	Thomas W Kelly	FMT	A	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	25750.0	16411.0	2887.0	0.0	70.0

Below is a screenshot of the use, as reported, for Report ID 68112 Feedlot POD:

X

Facility Water Use Report																
FEEDLOT POD Report ID: 68112																
MISSION CREEK RESERVOIR: FEEDLOT POD; 2820 FEET SOUTH 2500 FEET WEST FROM SE CORNER, DLC 67 4S-2W-17-SW SW; Permit: S 55200 *																
KELLY FARMS																
Records per Page: 5																
Water Year	Reporter	Type of Measurement	Unit	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Irrigated Acres
2019	Thomas W Kelly	FMT	A	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3284.0	18493.0	3827.0	12864.0	0.0	45.0

Below is a screenshot of the 2019 use for all three Report IDs, all in acre feet with a yearly total:

Water Use Report Based on Water Right																
Permit: S 55200 *																
KELLY FARMS 2211 RIVER RD NE SAINT PAUL, OR 97137																
Records per page: 10 View All																
Water Year*	Report ID	Facility	Acre-feet (AF) of Water Used												Total Water Used	Irrigated Acres
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
2019	68110	TOMS HOUSE POD	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2365.00	26425.00	15911.00	30646.00	0.00	75347.00	100.00
2019	68111	NICK AND TINAS POD	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25750.00	16411.00	2887.00	0.00	45048.00	70.00
2019	68112	FEEDLOT POD	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3284.00	18493.00	3827.00	12864.00	0.00	38468.00	45.00

*The water year is named for the calendar year in which it ends. Example: the 2018 water year begins Oct. 1, 2017 and ends Sep. 30, 2018.

Could it be that there is a multiplier on the meter that wasn't applied or the unit of measurement is incorrect? I'd appreciate it if you would let me

Could it be that there is a multiplier on the meter that wasn't applied or the unit of measurement is incorrect? I'd appreciate it if you would let me know what you find either way. Don't hesitate to contact me if you have questions or additional information. Thank you.

[Tracy Fox](#)

Water Use Reporting Program Coordinator

725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0824



-986-0905 | Fax: 503-986-0902

ruse@wrdd.state.or.us

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From: Allegra Briggs <allegra.briggs@gmail.com>

Sent: Tuesday, June 23, 2020 7:38 PM

To: ted.g.wise@state.or.us

Subject: Say No to Ochoco ID request for waiver

Dear ODF&W,

I'm not sure this is the correct email address to submit my public comment, but I'm going to try it anyway. Here goes:

I support ODF&W decision to NOT grant a waiver for the Bowman dam hydro project. Fish passage is essential for the health and long-term survival of native fish species. Habitat fragmentation by dams is a major stressor on aquatic populations and the added stresses from climate change mean we have to do more to mitigate human-caused habitat fragmentation.

Say yes to fish passage. Say NO to a waiver.

Thanks,

Al Briggs

Bend, OR

From: Henry Mottl <htmottl@gmail.com>

Sent: Tuesday, June 23, 2020 5:02 PM

To: ted.g.wise@state.or.us

Cc: Jim Beaupre <james.beaupre@usda.gov>; Brian Cunninghame <cunninghame@gorge.net>; jhkitche@blm.gov

Subject: Bowman Dam Fish PassagwWaiver

Dear Mr. Wise,

I am opposed to the Ochoco Irrigation District's fish passage waiver request for the following reasons:

1. Fish passage is required to maintain and enhance sections of Wild and Scenic river above and below the Bowman Dam.
 2. Fish passage is necessary to complete the significant and costly efforts being made for passage downstream from the lower Deschutes through PGE and CTWS Pendleton dam complex.
 3. The degraded riparian and aquatic habitat in the upper Crooked River watershed needs to be addressed irrespective of the issue of fish passage.
- Therefore OID's mitigation package cannot be substituted for fish passage which would provide access to historic habitat for spring Chinook salmon, steelhead, and Pacific lamprey in the upper Crooked River watershed

I am extremely disappointed in this proposed waiver by ODFW and furthermore the failure of OID and BOR for not finding a solution besides the proposed mitigating measures.

Thank you for this opportunity to comment. My hope is that ODFW will fulfill its mission to protect and enhance Oregon's fish and their habitat for use and enjoyment by present and future generations. This should include the restoration of Oregon's native fish populations to their historic waters.

Sincerely,

Henry Mottl

Powell Butte, Oregon

Working with People to Care for Land and Waters



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Bend Field Office
63095 Deschutes Market Road
Bend, Oregon 97701
Phone: (541) 383-7146 FAX: (541) 383-7638

Reply To: 7455.015
File Name: Bowman Dam OID Passage Waiver
TS Number: 20-431
TAILS: 13420-2010-CPA-0614

June 22, 2020

Mr. Ted Wise
61374 Parrell Road
Bend, Oregon 97702

Dear Mr. Wise:

The Fish and Wildlife Service (Service) has reviewed the Oregon Department of Fish and Wildlife's (ODFW) June 1, 2020, letter regarding the Ochoco Irrigation District's (OID) proposed Bowman Dam Hydro Project. On May 1, 2020, the OID applied for a fish passage waiver from the ODFW in order to proceed with their proposed hydro project. The ODFW has recommended denying OID's request for a waiver based on their determination that the OID's proposed in-lieu of fish passage measures do not provide a net benefit to native migratory fish (NMF).

The Service supports the ODFW's efforts to improve fish passage at dams which are receiving retro-fitted hydropower facilities. Based on recent discussions with the ODFW it is our understanding that there may still be a path forward that meets the State's mitigation requirement and is also acceptable to the OID. We encourage the ODFW and OID to work together to reach an agreement that will allow the proposed project to proceed. We believe that the OID's proposed hydro provides several important conservation benefits, which are discussed below.

1. OID's proposed mitigation will provide conservation benefits to the Crooked River and its tributaries

The OID's waiver application proposed several mitigation measures, including reductions to Total Dissolved Gas (TDG), gravel augmentation, a \$90,000 contribution to fish passage on Ochoco Creek, and a \$200,000 contribution to the Ochoco Creek Preserve. The adverse effects of high TDG levels to NMF in the Crooked River have been a concern for a number of years. The BOR's September, 2018, "Arthur R. Bowman Dam Total Dissolved Gas Literature Review and Analysis" assessed the possible benefits of a hydropower facility in reducing TDG. While it

INTERIOR REGION 9 COLUMBIA-PACIFIC NORTHWEST

IDAHO, MONTANA*, OREGON*, WASHINGTON

*PARTIAL

did not provide quantitative information regarding possible TDG reduction, its qualitative conclusion was that the proposed hydro facility should reduce TDG levels below the dam. This reduction will come from passing a portion of Bowman Dam's releases through the proposed hydro project turbine, and from OID's proposed replacement of the dam's existing outlet works with Howell Bunger bypass valves. The report also suggested that TDG could be further reduced by constructing flow deflectors to reduce the plunge depth of flow releases.

However, ODFW denied the hydro project's TDG benefits because the fish passage waiver net benefit analysis cannot include any activity that is already a requirement of another permit or process. In this case, TDG reduction is already required for the proposed project by the ODEQ to meet state 401 water quality certification. The Service notes that the dam's TDG issues are entirely the result of the BOR's flow releases at the dam.

2. OID's proposed automation and improvements to Bowman Dam's flow release controls will provide improved ramping rates and overall flow management

The dam's existing flow release mechanism uses manual controls that are nearly sixty years old. This reduces the dam operator's ability to manage and adjust flow releases from contracted irrigation storage, uncontracted fish and wildlife storage, and to respond to rapid seasonal increases in inflow to Prineville Reservoir. The existing controls do not permit dam operators to make smaller scale adjustments to flow releases, and thus to implement ramping rate adjustments that would help protect native fish species. It is also difficult to make timely adjustments to flow releases, since OID staff must make a 40-mile, one-hour-long round trip from Prineville to adjust flows.

3. The proposed project will not impede or adversely affect any future upstream or downstream fish passage facilities.

Other parties will still be able to pursue fish passage at Bowman Dam if OID constructs their hydro project. Also, there are no other parties competing with OID for the right to construct hydro facilities at the dam. It appears to the Service that all parties would benefit from the proposed project if an agreement can be reached that meets the ODFW's mitigation requirements.

The Service believes that the proposed Bowman Dam hydro project will provide significant and needed measures to protect native fish species, including redband trout, steelhead, spring chinook, and bull trout. We strongly support the ODFW and OID's continued efforts to reach an agreement which both parties find acceptable. Please contact Peter Lickwar on my staff at 541-382-6146 if you have any questions or would like to discuss this issue.

Sincerely,

Bridget Moran
Field Supervisor

cc:

Mr. Scott Carlon, NOAA Fisheries

Mr. Mike Harrington, Oregon Department of Fish and Wildlife

Mr. Peter Lickwar, U.S. Fish and Wildlife Service

From: [Y Lind](#)
To: greg.d.apke@state.or.us
Subject: Fish Passage Waiver at Bowman Dam
Date: Wednesday, June 24, 2020 12:54:50 PM

Greg,

I am unable to attend the fish passage task force meeting on Friday and hope that you will accept this email as public comment and perhaps even read it into the record. I have previously submitted lengthy comments to Ted Wise in email form but rather than repeat those comments here, I will boil it down to the essentials. Gas bubble disease is a real problem on the Crooked River. Unfortunately, the BoR report included in the supporting materials makes it perfectly clear that the applicants are not proposing a viable solution. The BoR is clear in stating that the real solution is to build a weir a mile downstream from Bowman Dam that will raise and slow the river, giving dissolved gasses time to dissipate. The applicants did not include a weir in their proposal and it is highly unlikely that one could be built given the Wild & Scenic status of the river. Without a TDG solution, the applicants have offered very little of value to fish, certainly nothing close to a net greater benefit.

The law is clear, there must be real benefit to fish to provide the requested waiver. The applicants have multiple ways to deliver that benefit, thus far they have not offered them. I know that we are now living in a political environment where science and scientists are discounted, I hope for the fish's sake that the evidence will guide this decision.

Regards,

Yancy Lind
yancy.lind@gmail.com
541-788-5514