



Oregon
John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Fish Division
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February 12, 2013

Doug Pennington
Water Quality Supervisor
ATI Wah Chang
1600 NE Old Salem Road
Albany, OR 97321

Denise Hoffert-Hay
Project Manager
Confluence Consulting
2006 Chase Loop SW
Albany, OR 97321



Re: Cox Creek Dam Removal Project Fish Passage Approval PA-02-0082

Mrs. Hoffert-Hay and Mr. Pennington,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed and approves (as required by ORS 509.585) the fish passage design which you plan to implement to remove the Cox Creek Dam and improve fish passage conditions for native migratory fish in Cox Creek, a tributary of the Willamette River. The Cox Creek Dam Removal Project (Project) located on Cox Creek near the town of Albany, is located in Linn County. The City of Albany, ATI Wah Chang, and the Calapooia Watershed Council constitute the Project Applicant/Owners (Applicant). This partnership plans to implement the project during the summer of 2013.

The project, as proposed in the design plans, will completely remove the low head concrete dam, re-grade and reconstruct the existing stream, and install new slope protection along an existing concrete retaining wall. The dam, which is no longer in use, originally provided a source of water for a Meat Packing Plant that is presently located on ATI Wah Chang's property. Riparian and channel restoration will be complete in conjunction with the dam removal project. The proposed project will restore fish passage and will promote more natural channel processes including sediment and woody debris transport and continuity, native vegetation recruitment, and instream habitat creation.

ODFW Fish Passage Program staff reviewed the project plans and designs and we find that the project meets Oregon Fish Passage design criteria (OAR 635-412-0035(1)(2)). Please pass this information along to the appropriate project stakeholders as necessary.

This fish passage approval is contingent on specific operational items which include:

1. All in-water work associated with the project will be performed during the ODFW in-stream work window (June 1st – October 15th) or as negotiated with ODFW.

2. Downstream volitional passage of native migratory fish through a gravity feed bypass facility is required during and throughout the construction of the project.
3. The Applicant shall be responsible for all maintenance required such that the project provides adequate passage for native migratory fish.
4. The Applicant shall monitor and report the effectiveness of fish passage during, throughout and after completion of the project. This shall entail monitoring of the project during construction as well as throughout the project area(s) after construction and project completion. Monitoring will be performed by a qualified fisheries biologist to determine whether or not the project is functioning as it was designed to function for fish passage. Fish passage monitoring reports shall report on the effectiveness of fish passage of native migratory fish at a variety of passage flows when these fish are migrating through the project area. Monitoring and reporting shall coincide with the time of the year when native migratory fish species are migrating in Cox Creek and throughout the project area. Monitoring and reporting shall consist of a summary of the fish passage conditions and fish passage performance with particular emphasis on flow velocities, water depths and the volitional unimpeded passage of native migratory fish during the appropriate fish passage design flows. Monitoring and reporting shall be based on visual observations, established photo points, flow velocity characteristics, or other means; particularly with regards to fish passage conditions and fish passage performance through the project area during and after the completion of the project.
5. Monitoring reports shall be completed and submitted by the Applicant, or your designee, to the ODFW Fish Passage Program Coordinator and the Mid Willamette District Fish Biologist annually for a period of 5-years after the completion of the project. Monitoring reports shall be submitted by January 31 of each year for the previous year's reporting period.
6. If monitoring, by the Applicant, your designee, or the ODFW indicates that fish passage is questionable or not provided, the Applicant in consultation with the ODFW, shall determine the cause and, during a work period approved by the ODFW, shall modify the structure to rectify fish passage problems as necessary. Failure to monitor fish passage for the duration of the ODFW fish passage approval shall constitute a violation of this approval and applicable fish passage laws (ORS 509.585 and 509.610).
7. The ODFW shall be allowed to inspect the project at reasonable times for the duration of this approval. Unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours, including weekends.
8. Failure to maintain fish passage for the duration of this approval shall constitute a violation of this approval and applicable fish passage rules (OAR 635-412-0025(3)).

We appreciate the cooperation and partnership(s) that have developed among the stakeholder groups for this dam removal project. The partnership has done a remarkable job facilitating meetings, project planning and development, and now implementation of the project. We look forward to the continued support and cooperation of the project partners and the construction team during and after the deconstruction phase of this project. Please continue to coordinate with ODFW District staff as appropriate during the deconstruction phase(s) of the project as appropriate or as issues develop.

Please retain this correspondence for your records, as this documents ODFW's approval of fish passage for the Cox Creek Dam removal project. Please pass this information along to the appropriate staff as appropriate. Please notify me if you have any questions regarding the content of this fish passage approval. Thank you for cooperation and patience as we worked through the fish passage approval for this project. If you have any questions, please contact me by calling 503-947-6228.

Sincerely,



Greg Apke
Statewide Fish Passage Program Leader

cc Alex Farrand
 Karen Hans
 Steve Marx
 Ken Loffink
 Alan Ritchey
 Project files