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The Campaign to Remove Winchester, Murphy, and Charley Dams - Grant

Grant Name	The Campaign to Remove Winchester, Murphy, and Charley Dams - Grant	Today's Date	12/15/2023
Staff Size	10	Organization Name	WaterWatch of Oregon
Total Membership	895	Annual Operating Budget	\$974,107.00
BIPOC-led	No	Operating Budget Year	
C-Suite Staff		Tax Status/Organization Type	501c3 Organization
Notes			

Project Information

Project/Campaign Name	The Campaign to Remove Winchester, Murphy, and Charley Dams	Project Address	
Project Location (State or Territory)	OR	Amount Requested from Alliance	\$50,000.00

Proposal Questions

<p>1. Purpose/History Of Organization</p>	<p>WaterWatch protects and restores streamflows in Oregon's rivers, protects and restores free flowing rivers and builds climate resiliency for freshwater and cold-water habitat across Oregon.</p> <p>Now celebrating its thirty-eight year, WaterWatch's track record of success is unequalled. Our programs have protected streamflows in thousands of miles of streams and rivers for fish, wildlife, recreation and the communities who depend on healthy rivers. Our Free the Rogue Campaign has thus far removed nine fish killing dams, notched a tenth dam, improved fish passage at an eleventh dam, reached agreements to remove two additional dams in 2024, restored a 157-mile reach of free flowing Rogue River for fish and recreation, and achieved the largest instream water right transfer in the Rogue's history. We are now deploying our barrier removal expertise in this campaign to remove three of Oregon's highest priority barriers to fish passage and river recreation in Southern Oregon.</p>	<p>7. Measurable On-Ground Outcomes</p>	<p>Winchester Dam: Resolve litigation with agreement for dam removal. Locate funding for pre-removal tasks including engineering and permitting. Achieve removal in 2025 or 2026. 20% net increase in grassroots advocates engaged in Winchester Dam through advocacy – writing letters, Op-eds, submitting comments. (800 advocates to 1000 advocates)</p> <p>Murphy Dam: Negotiate dam removal agreement. Locate funding and retain contractors for pre-removal tasks including engineering and permitting. Achieve removal in 2025.</p> <p>Charley Dam: Negotiate dam removal agreement. Locate funding and retain contractors for pre-removal tasks including engineering and permitting. Achieve removal in 2025 or 2026.</p>
<p>2. Final Success</p>	<p>Removal of Winchester, Murphy, and Charley dams from Oregon's North Umpqua River, Applegate River, and Little Butte Creek will provide unimpeded access for salmon, steelhead and other fish to over 289 miles of high quality spawning and rearing habitat upstream,</p>	<p>8. Evaluate Your Progress</p>	<p>Evaluation will be based on whether the dams are removed. In addition, most major state and federal funding grants for dam removal require some years of post removal monitoring of fish species and restoration of ecosystem function at the former dam site, so this data will also</p>

help restore world-class steelhead and salmon runs in the North Umpqua and Rogue river basins and remove significant hazards and barriers to recreational navigation on these rivers.

be available for evaluation. Our experience is that salmon and steelhead respond immediately and positively to dam removals, and rivers and streams heal quickly at dam removal sites. Fisheries benefit accordingly.

3. Location Details

The North Umpqua and Rogue river basins are home to many of Oregon’s iconic rivers. Winchester Dam on the North Umpqua is the second highest ranked privately owned fish passage priorities in Oregon according to the Department of Fish and Wildlife. Murphy Dam on the Applegate River is also a highly ranked fish passage priority, followed closely by Charley Dam on Little Butte Creek. These dams harm multiple runs of migratory and resident fish, including, depending on the dam, spring and fall chinook salmon, Endangered Species Act (ESA) listed coho salmon, world famous runs of summer and winter steelhead, cutthroat trout, Pacific Lamprey, and suckers. The Umpqua and Rogue rivers and their fish support important recreational economies as well as first foods and cultures of tribal peoples. All of these dams impede and are hazards to river recreation.

9. TCA Funding Plan

Any funds awarded would support WaterWatch staff capacity and expenses to obtain agreements to remove these dams, including retaining experts, research, agency and public outreach, leveraged negotiation, and, where needed, litigation. We partner with Crag Law Center to provide legal support for this campaign, who provides high quality legal representation for a fraction of the cost of a traditional law firm. This partnership allows us to direct most of these funds to the research and outreach elements of this campaign. Funds will be distributed to Crag as work occurs.

Yet, for all of the harm these dams cause, none provide hydropower, flood control or other public benefit. Winchester Dam is a disintegrating, 17-foot-high, 130-year-old wood, cobble, metal, and concrete structure maintained solely to provide a private waterski lake. Murphy Dam spans the Applegate River, harming fish and recreation, and its irrigation diversion function can be readily replaced with fish friendly pumps. On Little Butte Creek, tributary to the Rogue River, Charley Dam’s irrigation diversion function may also be replaced with fish friendly alternatives.

Funds would also support WaterWatch staff efforts to write the initial series of an estimated \$8 million in grants necessary to fund contractors for project related engineering, permitting, construction, and restoration activities.

Native Fish Society will fund their Southern Oregon Coordinator, assisting with the grassroots advocacy locally and regionally. Funds will be distributed to Native Fish Society upon receipt.

Salmon, steelhead and lamprey originating from the North Umpqua and Rogue basins intermingle with multiple ocean fisheries off of the Pacific Coast. The abundance of ESA-listed Oregon Coast coho in the North Umpqua and SONCC coho from the Rogue can and does restrict commercial and recreational fishing under the weak stock management approach which governs all intermingling salmon fisheries on the West Coast. Diminished salmon runs caused by these dams result in economic impacts in coastal communities and in these watersheds. The dams also negatively affect Pacific Lamprey, a major food and cultural resource for Pacific Northwest Tribes.

4. Strategy & Timeline For Final Success

WaterWatch’s dam removal strategy has developed over three plus decades of successfully removing multiple dams in the Rogue Basin and participating in

10. JEDI Efforts and Impact

In the West, water is power. The systems that allocate and manage water marginalize instream interests, aquatic species and the people, economies and

campaigns to remove dams in other basins. We collaborate with partner nonprofits to implement a strategy based in factfinding, advocacy, and cooperation. Our track record of success and experience in securing dam removal agreements and removing dams of significance is unmatched.

We identify high priority fish passage barriers using the Oregon Department of Fish and Wildlife (ODFW) statewide fish passage barrier priority list that classifies and ranks such barriers in terms of their fish passage severity and the amount and quality of habitat upstream. We then identify the parties that own or control the disposition of these barriers, and whether water rights or points of diversion exist at the dam. We identify non-compliance with fish passage standards or safety hazards at the dam. If there are water rights associated with the dam, we examine their status, whether they are abandoned and whether there is potential to convert or transfer such rights instream.

Once we develop sufficient information, we approach the owner(s) and offer to remove the dam at no cost and eliminate what may be significant liabilities for the owner, in return for access, an agreement to remove the dam and cooperation in the removal process. When necessary, we use leveraged negotiation by notifying the owners of liabilities associated with the dam, whether related to ESA listed species, safety, fish passage or water rights violations. If necessary, we are willing to litigate these issues, but our strong preference is for a voluntary agreement. All the dams we have removed started with a voluntary agreement or a voluntary agreement to settle litigation. This strategy has repeatedly produced agreements and funding to complete dam removal projects.

All three projects here are at various stages in this process and the action plan differs depending on where the specific project is on this continuum.

At Winchester, we are litigating in federal court over the harm caused to ESA listed coho salmon at the dam. In 2023 an incompetent dam repair effort by Winchester dam owners was marked by a massive lamprey kill and concrete spills. WaterWatch worked closely with Native Fish Society, Steamboaters, and other groups to report violations to agencies while publicizing and receiving major media attention. Following this disaster, ODFW and DEQ issued fines to the dam owners for the harm to water quality and fish caused by these botched repairs. WaterWatch's advocacy has also

cultures that depend on healthy rivers, aquifers and salmon. This systemic injustice results from laws and policies designed to promote white settlement and resource extraction across the West.

WaterWatch's 38-year history of close coordination and frequent alignment with Tribes in Oregon attacks the disproportionate impacts of climate change by securing water policy reforms and implementing projects that reduce the injustices suffered by people, cultures and economies dependent on healthy rivers and salmon. In the last year, WaterWatch has achieved multiple policy and project victories that have helped address these issues.

Native Fish Society is actively collaborating with Oregon and Northern California tribes to restore abundant wild fish populations and promote the free flow of rivers across the state.

driven state enforcement against unlawful excess water storage at the dam. In 2024, we will engage in legal proceedings stemming from these enforcement actions, with Crag Law Center engaging on behalf of WaterWatch. Our goal is to bring sufficient pressure on the dam owners through this campaign to move the project to a voluntary agreement. WaterWatch will be assisted by Native Fish Society to continue to build grassroots advocates for removal of this dam and to put pressure on elected officials to require dam owners to follow the rule of law.

Murphy Dam involves years of failed effort by others to reach a removal agreement, but we are confident that using the above approach will produce an agreement with the dam's owner, an irrigation district with about 38 patrons. WaterWatch contacted the dam owner in 2023 and offered to remove the dam and replace its diversion function with a fish friendly alternative, which was rejected. We have retained Western Environmental Law Center and filed a lawsuit against the dam owners for the structure's harm to ESA listed Coho salmon. We remain hopeful this issue will advance to negotiation for removal of the dam.

At Charley Dam, WaterWatch has just commenced implementing the strategy outlined above. We expect to progress to contact with the landowners at the dam in 2024.

Once access and removal agreements are in hand, we will work to raise funds for engineering, permitting and technical matters necessary to secure approvals from government agencies to establish schedules and permit conditions for removal of the dams. We will prepare grant applications to OWEB, ODFW, NOAA Fisheries and other sources of funding for these projects. We will locate and retain contractors, secure permits, complete engineering and remove the dams. Restoration will follow, typically involving revegetation for the former reservoir pools behind the dams.

River recreation also benefits through the removal of navigation hazards and opening up access on these rivers. At Winchester, removal will make the river free flowing from Soda Springs dam high in the watershed to the mouth. At Murphy, removal will make the Applegate River runnable from McKee Bridge to the mouth of the river. At Charley, the primary recreational impact will be through improved runs of salmon and

steelhead in this key Rogue spawning tributary.

5. Key Decision Makers

In private dam removal, the key decision makers are always the private dam owners. Except for Winchester, our focus will likely be entirely on directly influencing the dam owners as the decision makers. At Winchester, because the owners' chronic and flagrant disregard for laws and regulations, and a history of regulatory agency indifference to their behavior, is causing significant additional harm to the North Umpqua, we have also focused on using direct advocacy with relevant agencies, commissions, and elected leaders, public education, and media scrutiny to bring the rule of law to the dam while we work towards a permanent resolution through a dam removal agreement. Native Fish Society will assist WaterWatch in local and region advocacy to continue to ensure the rule of law is followed at Winchester Dam.

6. Elevate Voices

At Winchester, WaterWatch is leading a coalition and a campaign of over 20 fishing, conservation, whitewater, and rural community organizations. This diverse, locally-driven, statewide coalition has already made significant strides towards raising public awareness, addressing long-term fish passage problems, and reducing the dam's impacts on water quality, drinking water supplies, other natural resources, cultural values, and the region's economy. WaterWatch is working closely with Native Fish Society to organize grassroots citizen actions in this campaign. In 2023, this coordinated effort resulted in at least three local citizen protests supporting removal of Winchester Dam. WaterWatch also continues to lead monthly calls directing coalition actions.

In 2024, WaterWatch will continue to collaborate with Native Fish Society and other groups to organize grassroots citizen actions and to amplify the voices of local residents who are concerned about the ongoing harm at Winchester dam.

In addition, WaterWatch has engaged with Cow Creek Band of Umpqua Indians Tribe, the Coquille Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and The Confederated Tribes of the Grand Ronde regarding Pacific lamprey mortality and other issues at Winchester Dam.

11. Confidential Items

While this proposal does detail WaterWatch's dam removal strategy, this information is not confidential and can be shared with member company employees.

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