

Exhibit I



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

Fish Division

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July 2, 2025

Greg Haffner
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Cody Stone
Engineer, Stone Engineering, Inc.
611 Hobson Street
Stayton, OR 97383
StoneEngr@gmail.com



Re: Fish passage approval for Unnamed Tributary to Chehalem Creek culvert replacement at North Valley Road, Yamhill County – PA-02-0488

Mr. Haffner and Mr. Stone,

The Oregon Department of Fish and Wildlife's (ODFW) staff have reviewed the application and design plans for the culvert replacement on Unnamed Tributary to Chehalem Creek in the Willamette River basin, at North Valley Road, Yamhill County (45.3445, -123.091778). Unnamed Tributary to Chehalem Creek provides native migratory fish habitat for Coastal Cutthroat Trout. This letter constitutes ODFW Fish Passage Approval, as required in Oregon Revised Statute 509.585.

The proposed project will replace the existing 44-foot-long, 48-inch diameter corrugated metal pipe culvert with a 40-foot-long, 48-inch diameter corrugated metal pipe culvert. ODFW will provide an exception to OAR 635-412-0035(3)(b) for water velocity and water depth at the 5% and 95% flows based on professional opinion and existing site conditions within the watershed per ORS 635-412-0035(1)(d). This action has triggered the state's fish passage rules and regulations. ODFW has reviewed the project design plans submitted by Stone Engineering, Inc. and have determined that the design plans are consistent with the state's fish passage design criteria, as defined in OAR 635-412-0035 (1), (3)(b), and (10), and therefore approve the project as required by Oregon fish passage law (ORS 509.585).

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

1. All in-water work, defined as work at or below the ordinary high water mark elevation of the project area, shall be completed during the appropriate ODFW in-water work period, or as otherwise defined by ODFW.
2. The ODFW District Fish Biologist shall be contacted 2 weeks prior to the implementation of the project.

3. Fish salvage and rescue shall be performed prior to the commencement of any in-water work, including work area isolation and temporary water management.
4. Temporary water management and work area isolation measures shall be implemented during the project. Downstream passage of native migratory fish shall be provided during construction.
5. Pursuant to OAR 635-412-0035(10)(e), prior to in-stream construction activities, all fish must be safely collected, removed from the construction site or dewatered reach, and placed in the flowing stream by an authorized person in possession of a separate valid permit issued by ODFW. An Oregon Scientific Take Permit (OR-STP) from ODFW is required to conduct fish salvage in Oregon and other additional authorization may be needed from NMFS or USFWS if work is in ESA waters. OR-STPs can take up to 4-6 weeks for processing and can be applied for at: <https://apps.nmfs.noaa.gov/index.cfm> or if you have questions about OR-STP permitting, please contact fish.research@odfw.oregon.gov
6. Volitional downstream passage of native migratory fish shall be maintained throughout and during implementation of the project, if the project has flowing surface waters during project implementation.
7. The owner/operator of the structure shall be responsible for all maintenance required such that the project provides adequate passage for native migratory fish. Adequate fish passage is defined as volitional fish passage of native migratory fish species between the fish passage design flows (5% to the 95% exceedance flows) for the project.
8. Failure to maintain fish passage at this location and for the duration of this approval shall constitute a violation of this approval and applicable fish passage laws (ORS 509.585 and 509.610).
9. Monitoring and reporting on the effectiveness of fish passage is required at the project. Monitoring shall coincide with the time of the year when native migratory fish are migrating through the project area. 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.
10. Monitoring reports shall be submitted to the ODFW Fish Passage Program staff and the ODFW District Fish Biologist for baseline monitoring in the year of completion (year 0) and for a period of five years post-construction on years 1, 3, and 5.
11. If monitoring indicates that volitional fish passage is questionable or not provided, the owner/operator, 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).
12. The ODFW shall be allowed to inspect the project at reasonable times for the duration of this approval. Unless prompted by emergency circumstances, inspection shall be limited to regular and usual business hours, including weekends.
13. It is the responsibility of the applicant to comply with all necessary and required local, county, state, and federal approvals and permits.
14. This approval in no way purports or authorizes take of a federally or state listed species.

This approval is solely for the purpose of fulfilling Oregon's fish passage statutory requirements and responsibilities administered by the Oregon Fish and Wildlife Commission or the ODFW, and does not satisfy any other Department, federal, state, or local laws, rules, or regulations, including but not limited to State or Federal Endangered Species Acts, any applicable water rights, approvals or other certificates administered by regulatory authorities.

Please retain this correspondence for your records, as this documents the ODFW's approval of fish passage at this project site. Again, please note that it is the responsibility of the owner/operator to maintain the project as approved (ORS 509.610). Thank you for your cooperation and patience as we worked through the fish passage plan and application for this project. If you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Crowley".

Sharon Crowley
ODFW Assistant Fish Passage Coordinator

CC: Greg Apke, ODFW Fish Screens and Passage Program Manager
Katherine Nordholm, ODFW Fish Screening and Passage Coordinator
Mac Barr, ODFW Statewide Fish Passage Coordinator
Scott Janssen, ODFW Fish Passage Engineer
Kevin Stertz, ODFW North Willamette Watershed District Fish Biologist
ODFW Project files #PA-02-0488