



Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife

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April 27, 2009

Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
ATTN: Rule Coordinator



Re: Comments on proposed changes to Division 512 *Malheur Lake Basin Reservations*

The Department of Fish and Wildlife (ODFW) is providing these comments on the proposed rule revisions for Division 512 to include Malheur Lake Basin Reservations. Harney County is proposing a water reservation of 4,550 acre feet of unappropriated water on Home Creek in the Catlow Valley. As part of a settlement agreement for instream water right applications IS84562 (Home Creek) and IS84563 (Threemile Creek), ODFW agreed not to object to the establishment of a reservation of water for Home Creek.

Home Creek is principally managed by ODFW to maintain sustainable populations of native trout and Tui chub. Secondarily, we also manage a fishery to provide a modest consumptive harvest opportunity on native redband trout in a semi-remote setting consistent with sustainability of native fish. No hatchery fish are stocked in the basin, and angling regulations are designed to encourage catch and release fishing with high survival of fish released. Home Creek has the most stable population of redband trout of the three east side Catlow Valley streams with native trout.

One of ODFW's main focuses is to maintain the Home Creek system as a recreational fisheries which requires that a healthy, stable population of redbands be maintained in the system. If at some point storage reservoir(s) are proposed for Home Creek, ODFW reserves the right to make recommendations on any proposed reservoir(s) to protect the native fish population and their habitat in the watershed.

Among ODFW's potential concerns with any proposed reservoir(s) would be modifying the natural hydrologic pattern of flows that native fish depend on, maintaining connectivity of fish populations through fish passage, maintaining good water quality conditions, protecting existing spawning, rearing and refugia habitat and the potential for the introduction of competitors who would have a negative affect on the redband population.

ODFW encourages any project proponents to contact our office to discuss potential fish needs and concerns associated with a proposed storage project on Home Creek.

Sincerely,

Richard J. Kepler
Manager, Water Quality/Quantity

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APR 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

51000-801000-06

cc: Tim Walters, ODFW
Robert Hooton, ODFW
Tim Wood, Oregon Park and Recreation Department
Stacy Davies, Roaring Springs Ranch
Steve Grasty, Harney County Judge
Dan Nichols, Harney County Commissioner
Jack Drinkwater, Harney County Commissioner
John De Voe, WaterWatch of Oregon
Bill Marlett, Oregon Natural Desert Assoc.
Joe S. Whitworth, Oregon Trout
Dana R. Shuford, Burns District Manager BLM
Barbara Scott Brier, Attorney Advisor US Dept. of Interior

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