



Oregon

Tina Kotek, Governor

Oregon Department of Fish and Wildlife

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Sent via USPS First Class and Certified Mail and Email

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Subject: Notice of Non-Compliance, Proposed Order, and Opportunity for Contested Case Hearing relating to Installation of Fish Passage at Winchester Dam

Dear Owner(s) or Operator(s) of Winchester Dam,

Enclosed is a Notice of Non-Compliance, Proposed Order; and Notice of Opportunity for Hearing, proposed by the Oregon Department of Fish and Wildlife, pursuant to delegated authority from the Oregon Fish and Wildlife Commission (collectively, "ODFW") that involve your non-compliance with Oregon Revised Statutes (ORS) Chapter 509 and Oregon Administrative Rules (OAR) chapter 635, division 412, and the Commission's proposed order to require installation of fish passage at Winchester Dam consistent with applicable standards (the "Notice"). The proposed actions are taken pursuant to statutory and regulatory provisions including but not limited to ORS Chapter 183, ORS chapter 509, Oregon Administrative Rules (OAR) Chapter 137, Division 3, and Chapter 635, Divisions 1 and 412. If you do not take actions as described herein, the Agency will issue a Final Order by Default.

Also enclosed is information on contested case rights and procedures. This information is provided for your consideration should you select to contest ODFW's proposed action and request an administrative hearing of this matter.

Regards,

Debbie Colbert
Director, Oregon Department of Fish and Wildlife

CC: Geoff Huntington,
Ivan Gall, Oregon Department of Water Resources
Chris Kern, Mike Harrington, Greg Apke, Oregon Department of Fish and Wildlife

Attachment 1 – Notice of Non-Compliance, Proposed Action, and Opportunity for Contested Case Hearing, including Notice of Contested Case Hearing Rights and Procedures, and attachments: Exhibit A through J.