

JULY 2021

Rogue Flyfishers

Organized in 1971, the Rogue Flyfishers seek to promote fellowship among individuals and groups to further interest in the sport, to improve angling techniques, and to educate members and the public in ways to preserve and improve natural resources, environment, and conditions for fishing in the Rogue Valley.

Rogue Flyfishers
PO Box 4637
Medford, Oregon 97501
www.rogueflyfishers.org

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term

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PROGRAM

Goodbye 2020
Looking forward to a
better 2021

PRESIDENT'S MESSAGE from Steve Day

Well, Summer is here. Record breaking temperatures and some wildfire smoke from a couple of not so friendly fires are already burning vigorously in NorCal. Hopefully the Monsoonal forecast for the next seven or eight weeks will come through for us. Copious, Summer, rains could do this region some much needed moisture.

With the Summer heat comes rising water temperatures in our local rivers, streams and lakes. Unseasonably low flows in rivers and streams will also contribute to stressful conditions for the aquatic inhabitants. Please be mindful when fishing, not to overplay your fish and focus your fishing hours during the coolest part of the day.

ODFW has already implemented some closures and Hoot Owl regulations to mitigate fish impacts across many regions of the State. Be sure to check the weekly Recreation Report for existing and upcoming restrictions and closures.



The Summer heat was on full display last week during the Crane Prairie Outing. For those of us that spent the week at the lake, we experienced afternoon and evening thunderstorms and rain, Monday thru Wednesday. Thursday thru Saturday however was a different story. Afternoon temperatures soared and if the breeze abated, it was hot, really hot!

The Outing was well attended with campfires and stories each evening. The fishing was good to fair for most and exceptional for others.

The Rainbows this year were in excellent condition with most fish very robust and very hot fighters. The trout were found throughout the lake with many hanging out in the deeper areas of the reservoir.



For those that concentrated on Bass, it was a bit slow. For Captain Jim Ulm however, it was a good trip with his personal best that weighed officially at 5.06 pounds. 5.06 is now his favorite number, at least until he tops it!



And then there was John MacDiarmid! Not to be outdone with a World Class Crane Prairie Brown Trout! Well actually a Brown Bullhead but I dare anybody to top that, especially on a Balanced Leech under an indicator! And doesn't he look proud! Not an easy feat!



Then there was dinner! Some of us were fortunate to catch a Koke or two. This one made it to the BBQ and it was excellent!



All's well that ended well and I believe everybody had a great time. For those that didn't attend, you really should try it sometime. You'll like it!

John Pogue wins the "Above and Beyond the Call of Duty" Award for towing his entire family around the lake. Dog included! What a Trooper! Maybe he was actually trolling?



So, from me to you. Have a great Summer and be safe. I'm not certain we're any closer to returning to regular Club business but we must be. At least I hope so.

"I am who I am and what I am, largely as the result of someone taking me fishing"

A Win For The Rogue!

John MacDiarmid

On June 9 we got our first court ruling on our fight against the Medford Wastewater Treatment Plant polluting the Rogue River with their inadequately treated discharge. Presently, there is a significant degradation from the discharge and Federal Judge Clarke ruled Medford is liable. The following is a press release from the EarthRise Law Center on the Lewis and Clark College campus. EarthRise was brought into the fray to do the legal court work by NorthWest Environmental Advocates, the plaintive in the case. We brought our Jan. 2013 “Hafele Study” to NWEA and they brought in EarthRise. These two have successfully double-teamed for several environmental causes in Oregon and elsewhere. The NWEA news release was sent around in The RFF blog a few days after the ruling. This fight is ongoing. We are pushing the Oregon Department of Environmental Quality to significantly upgrade the new discharge permit for this discharge. The permit is now out in draft form and the public comment period is now closed. Exactly how much upgrading Medford has to do to the wastewater treatment plant to protect the river is not agreed upon at this time. Negotiations between Medford and the NWEA-Earthrise team were not successful so Earthrise reactivated the case so the courts will make the call. Judge Clarke’s ruling was the first result of this action. Clearly this decision strengthens “our” position.



Earthrise Secures Favorable Ruling to Protect Rogue River Water Quality

Earthrise, on behalf of our client Northwest Environmental Advocates (NWEA), received a favorable summary judgment decision this week in our Clean Water Act citizen suit against the City of Medford over the City's nutrient pollution, which for years has contributed to adverse ecological effects in the Rogue River including the proliferation of nuisance algae and shifts in the native macroinvertebrate community. Medford's pollution has long been observed by river users like the Rogue Fly Fishers, who first described the problem in a 2013 report by biologist Rick Hafele.

On June 9, 2021, Earthrise received a favorable summary judgment ruling in a Clean Water Act citizen suit holding that the City of Medford violated the Act by discharging pollution into the Rogue River that contributes to exceedances of Oregon's "biocriteria" water quality standard.

The suit, filed in 2018 on behalf of Northwest Environmental Advocates (NWEA), alleges that Medford's Regional Water Reclamation Facility has routinely discharged nutrients (nitrogen and phosphorus) at excessively high concentrations, causing adverse changes to the downstream aquatic ecosystem such as the growth of nuisance algae and aquatic plants and a decline in the macroinvertebrate community. The suit has its origins in a 2013 report prepared by biologist Rick Hafele for the Rogue Fly Fishers & Federation of Fly Fishers in which he reported "consistent and significant changes ... in composition, diversity, and abundance" of the algae and macroinvertebrate communities downstream of Medford's outfall. Mr. Hafele also served as NWEA's liability expert witness in this case.

In a Findings and Recommendation written by Magistrate Judge Mark D. Clarke of the U.S. District Court for the District of Oregon, the Court found that Medford had violated its National Pollutant Discharge Elimination System (NPDES) Permit and the Clean Water Act by discharging pollutants that cause or contribute to violations of Oregon's "biocriteria" water quality standard. That standard provides that "Waters of the State must be of sufficient quality to support aquatic species without detrimental changes in the resident biological communities." (OAR 340-041-0011).

Medford had previously stipulated for purposes of this litigation that its discharges do in fact contribute to in-stream biocriteria violations, but it had preserved a "permit shield" defense under Section 402(k) of the Clean Water Act and OAR 340-045-0080. In its Findings and Recommendation, however, the Court rejected that defense, holding that Medford's Permit unambiguously requires compliance with the biocriteria standard.

While the Court found that NWEA is entitled to summary judgment as to liability on its biocriteria claim, it found that disputes of fact prevent either party from being granted summary judgment on two other claims in the suit: one relating to alleged violations of Oregon's state-wide narrative criteria at OAR 340-041-0007, and the other targeting Medford's alleged failure to "take all reasonable steps to minimize or prevent" its Permit violations. Those two claims thus remain for trial. Yet the Court rejected Medford's argument that subjective evidence (e.g., eyewitness testimony by NWEA members and others) of the "deleterious effects" and "offensive aesthetic conditions" observed in the Rogue River is insufficient as a matter of law to prove violations of the state-wide narrative criteria, thereby paving the way for NWEA to introduce such testimony and other similar evidence at trial on the two remaining claims.

The case has been bifurcated into separate liability and remedy phases, and NWEA and Medford previously entered a partial settlement agreement that resolves some of the claims in the case. If neither NWEA nor the City of Medford objects to Judge Clarke's Findings and Recommendation, then the parties would likely be heading for a trial on claims two and three and separate remedy proceedings on the biocriteria claim.

The case is Northwest Environmental Advocates v. City of Medford, D. Or. No. 18-cv-00856-CL.

Attorneys Jamie Saul and Lia Comerford are handling this case for Earthrise, on behalf of NWEA.

FERC Approves Transfer Application

Transfer Decision a Major Step toward Dam Removal

KLAMATH REGION – The Federal Energy Regulatory Commission (FERC) today approved the transfer of the Lower Klamath Project License from PacifiCorp to the Klamath River Renewal Corporation (KRRRC) and the States of Oregon and California.

The vote by FERC marks a key milestone in the decades-long effort to restore the Klamath River for the communities, fish, and wildlife.

“This is a crucial and significant step forward in accomplishing KRRRC’s core mission to remove the four lower Klamath dams and restore a free-flowing river,” said Jim Root, President of the KRRRC Board and a Basin landowner. Root noted that the KRRRC project will constitute the largest dam removal and river recovery effort in U.S. history.

“I am deeply appreciative to all of the parties who have supported this project over the years, and I wish to especially note the significant and sustained efforts of our Tribal partners,” he said.

FERC issued the following statement:

“Today’s order confirms that the Renewal Corporation has the ability, financially and otherwise, to undertake dam removal, and with the states, as co-licensees, the necessary legal and technical expertise required for such a huge undertaking. The surrender application is still pending before the Commission and is awaiting further environmental review as required under the National Environmental Policy Act. The Commission will continue to engage with all parties and stakeholders to ensure everyone has an opportunity to participate in the surrender proceeding.”

California Secretary for Natural Resources Wade Crowfoot expressed gratitude to FERC for advancing the dam-removal project.

“We’re excited and thankful for the progress,” he said. “A great deal more work and steadfast collaboration must occur between the States, Tribes, federal government and communities of the Klamath Basin to achieve long-term prosperity for all, and we stand ready for that.”

KRRRC and PacifiCorp originally jointly filed a Transfer Application in 2016. In July 2020, FERC issued a ruling that approved partial transfer of the Lower Klamath Project license to KRRRC, provided that PacifiCorp remain a co-licensee, which was inconsistent with the 2010 Klamath Hydroelectric Settlement Agreement (KHSA). In order to keep the dam removal effort on track, KRRRC, PacifiCorp, and the States signed of a Memorandum of Agreement (MOA) that called for transferring the license from PacifiCorp to KRRRC and the States and removing PacifiCorp from the license. KRRRC, PacifiCorp and the States jointly submitted a License Transfer Application to FERC in January 2021. The application stipulated that KRRRC would lead the effort to remove the four Klamath hydroelectric dams as the “dam removal entity” as called for in the KHSA.

“The news from FERC is very positive and moves us forward on the long path to dam removal,” said Mark Bransom, the CEO of KRRRC, “We must also secure FERC’s approval of our Surrender Application, but today’s decision by the Commissioners certainly boosts our optimism about the road ahead.” The Surrender Application includes KRRRC’s detailed plan for facilities removal and restoration of the project footprint.

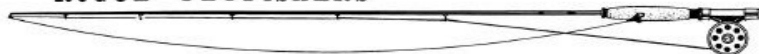
Reaching today’s milestone reflects decades of collective work by the many dedicated Signatories of the 2016 Amended Klamath Hydroelectric Settlement Agreement and all champions of a Klamath River that harbors healthy runs of salmon in river stretches and tributaries where they have been cut off for a century.

Dam removal and river restoration will help Basin communities to thrive, creating a more robust regional economy. Revitalizing the river begins with dam removal followed immediately by a multi-million dollar restoration effort to restore habitat in areas that were once inundated by the reservoirs behind the dams.

KRRRC plans to commence dam removal in 2023 and is doing everything within its power to secure the regulatory approvals needed to meet that goal.

The Klamath River Renewal Corporation (KRRRC) is a private, independent nonprofit 501(c)(3) organization formed in 2016 by 23 signatories of the amended Klamath Hydroelectric Settlement Agreement, or KHSA. KRRRC is part of a cooperative effort to re-establish the natural vitality of the Klamath River so that it can support all communities in the Klamath Basin. Signatories, which include the States of California and Oregon, local governments, Tribal nations, dam owner PacifiCorp, irrigators, and several conservation and fishing groups, appointed KRRRC to take ownership and oversee removal of four hydroelectric dams on the river. KRRRC’s work is funded by PacifiCorp customer surcharges and California Proposition 1 water bond funds.

ROGUE FLYFISHERS



JACKSON/JOSEPHINE COUNTIES, OREGON
P.O. BOX 4637
MEDFORD, OR 97501

Support Your Local Fly Fishing Resources

The Ashland Fly Shop	399 E. Main Street at Third, Ashland	541-488-6454
Field & Stream	293 Rossanley Drive Medford	541-930-3254
The Fishin' Hole	21873 Hwy 62, Shady Cove	541-878-4000
Rogue Fly Shop	941 SE 6th St, Grants Pass	541-476-0552
Rogue Valley Anglers	218 E. Main St., Medford	541-973-2988
Sportsman's Warehouse	1710 Delta Waters Road Medford	541-732-3700

Jim Ulm, Rogue River Steelhead and Trout Guide, (541) 973-6250 jimulm9@msn.com

Rogue Fly Fishers membership **Application** and membership Renewal Form

Applying ___ or renewing ___ as (check one): **Individual** ___ (\$35.00), **Family** ___ (\$45.00), or **Junior** ___ (under 18, \$5.00) Member.
(Note: New members joining Rogue Fly Fishers before June 30th pay a full year dues; **new** members joining after June 30th pay half dues.
Dues accompany your application. With membership, you will receive a member's patch, membership directory, name badge, and letter of further information and welcome. Monthly dinner meetings are held on the third Wednesday of the month with a social Wet Fly from 6:00 to 7:00 p.m. followed by dinner with raffle, announcements and club business, and program until approximately 9:00 p.m.

Renew in December for the following year.

Name: _____. If a family membership,

List Family Member's Names _____

Address _____

City _____ **State** _____ **Zip code** _____

Best Contact Telephone Numbers: Area Code _____ **Number** _____

(2nd best) **Number** _____

E-mail Address: _____

If you do not want your e-mail address in the membership directory, check here ____

Member Federation of Fly Fishers? Yes ____ No ____

Prefer using the **Online Newsletter** ____ or by **US Mail** ____?

Amount enclosed _____. Mail completed form and payment to:

Rogue Fly Fishers, PO Box 4637, Medford, Oregon 97501