

CITY/REGION

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Bohemia must pay for habitat

Firm assessed cost of restoring lake

By LANCE ROBERTSON

The Register-Guard

Bohemia Inc. has been assessed \$40,848 by the Oregon Department of Fish and Wildlife for fish that were killed and habitat that was damaged when the company drained Hult Reservoir in October.

The state agency gave the Eugene-based wood products company until March 2 to pay the money or face legal action over the incident near Horton, which killed 3,502 bluegill, largemouth bass, cutthroat trout, juvenile steelhead and other fish.

Bohemia President Richard Tinney called the assessment excessive.

"In our view, it's grossly out of line with the seriousness of the offense," Tinney said.

The company cannot formally challenge the assessment except through the courts, said company spokesman Bud Stewart. But, he said, "we will be looking for every opportunity to talk with them (Department of Fish and Wildlife) informally."

State law allows the agency to recover money for damage to fish, wildlife and habitat.

Hult Reservoir, once a popular fishing hole, was drained Oct. 4 by Bohemia, which owns the dam and part of the 60-acre lake. The company said it emptied the lake because the dam is unsafe and might fail, flooding upper Lake Creek.

The reservoir is a former millpond located near Horton, in the Coast Range west of Junction City.

The draining angered local residents and state fish biologists, who said they weren't properly warned of it.

Bohemia closed the dam's headgate in late October at the state's request. Stewart said the reservoir now has been refilled. The company still plans to repair the dam, he said.

Draining the lake damaged habitat in downstream Lake Creek, said Dave Anderson, northwest region director for the Department of Fish and Wildlife.

"There was a tremendous amount of silt that got placed in there (Lake Creek) from draining the reservoir," Anderson said. The wall of water, silt and other debris also damaged the

Turn to BOHEMIA, Page 3B

BOHEMIA Continued from Page 1B

streambed and banks, Anderson said.

The state agency's assessment includes \$17,134 for the killed fish, \$21,300 for the cost of restoring the fish population and habitat, and \$2,414 for the investigation.

Anderson said most of the \$21,300 in restoration costs would be spent buying fish to put in the reservoir.

Tinney said the Oregon Department of Environmental Quality is expected to fine Bohemia for violating water quality standards in Lake Creek.

Bohemia has been negotiating with the U.S. Bureau of Land Management for a land swap or an agreement under which the federal agency could take over maintenance of the dam and assume liability should it fail.

The BLM last year completed a \$600,000 fish ladder on Lake Creek at Triangle Lake that opened up Lake Creek between Triangle Lake and Hult Reservoir to steelhead and other anadromous fish.