

July 21, 2001

Mr. Neal Coenen
Governor's Natural Resources Office
State Capitol Building
900 Court Street NE
Salem, OR 97301-4047

Dear Mr. Coenen:

Governor Kitzhaber's Natural Resources Office has asked the National Marine Fisheries Service (NMFS), as one of the Federal partners in implementation of the Oregon Plan for Salmon and Watersheds, to submit an annual report on our measures in support of the Oregon Plan. Enclosed is our Annual Report for the period January 2000-March 2001, as well reports on several measures implemented by other offices within the National Oceanic and Atmospheric Administration (NOAA). In addition to reporting on the status of existing NOAA measures in the plan, we have added status reports on several activities NMFS has undertaken in the past year that, while not explicitly linked to the Oregon Plan, have direct bearing on the plan or on our joint objectives to recover salmon and steelhead populations throughout the state. These activities include issuance of the 4(d) protective regulations and initiation of the ESA recovery planning process.

In addition to requesting progress reports on each measure, you asked that we also submit an evaluative component to our annual report addressing our own agency accomplishments as well as our thoughts on things that need to be addressed overall to advance the progress of the Oregon Plan. We have included those comments below.

From our perspective, the 4(d) rules and recovery planning process are the most important NMFS accomplishments over the past year because they will help advance the protection afforded listed salmon and steelhead as well as the biological context and institutional framework for recovery. Although these two accomplishments are not explicitly linked to the Oregon Plan, they certainly advance the Oregon Plan's goals. More significantly, we believe that these two activities present opportunities to develop more convergence between the Oregon Plan and NMFS programs.

The 4(d) rules put in place the ESA "take" prohibition and created an opportunity for local governments, state agencies, and other entities to receive a "limit" on that prohibition by developing their own programs for the protection of listed species. Promulgation of the rules was followed by efforts on our part to educate the public about them. We believe those efforts led to greater public understanding of the ESA, and we believe the limits in the rules have led to several successes in aligning the Oregon Plan and NMFS activities. These successes include development of the 4(d) limit for the Oregon Department of Transportation routine road maintenance policies (which will also facilitate the process for local governments in Oregon to obtain similar a limit), approval of the Willamette Basin spring chinook harvest management

plan under the 4(d) limit for harvest, and our work with Oregon Department of Fish and Wildlife to implement the 4(d) limit for research. We hope that these successes become models for additional efforts with other Oregon state agencies and local governments.

The initiation of formal recovery planning under the ESA is notable for several reasons. First, recovery planning will provide us with the biological context needed to understand characteristics of recovered populations, to select and prioritize management actions, and to monitor progress toward recovery and adapt our actions as needed. Recovery planning also will provide a forum for integrating the many salmon recovery initiatives underway throughout the region and for ensuring that efforts reinforce rather than duplicate each other.

In terms of our perspective on Oregon Plan progress and challenges, we have attempted below not to restate or revise our input to the Oregon Plan over the past several years but rather to identify generally some major and, we believe, significant issues on which we would welcome the opportunity to work with the state in the coming years. As you know, NMFS has been and remains a strong supporter of the Oregon Plan, and we look forward to continuing a collaborative relationship with our Oregon Plan partners as we move through the recovery planning process and toward recovery.

A highly significant accomplishment of the Oregon Plan has been in galvanizing support for watershed assessment and restoration through the watershed council process administered by the Oregon Watershed Enhancement Board. Watershed councils in Oregon have not only increased citizen understanding of and involvement in salmon recovery but have also begun to contribute to our knowledge of baseline habitat conditions in watersheds through development of watershed assessments, and to improving those conditions through implementation of restoration projects.

One of the greatest needs for the Oregon Plan, however, also relates to the watershed council process. It is crucial in the long run that we have decision and monitoring frameworks for habitat restoration projects to ensure that projects are closely linked to credible assessments, appropriately designed and implemented, and monitored to determine their value to fish populations. In addition, there is a need for establishing a framework to prioritize funding of restoration projects throughout sub-basins. The challenges of building an effectiveness and validation monitoring program for habitat restoration projects are large, but successful salmon recovery will require that funding decisions carry with them the highest potential for long-term success, and the responsibility to account for whether and how expenditures contribute to improved survival of threatened and endangered fish populations is one we all share.

Fortunately there are opportunities at present to collaborate on developing such decision and monitoring frameworks as NMFS enters the recovery planning process and as other efforts, such as the Northwest Power Planning Council sub-basin assessment and planning process and the implementation of the Federal Columbia River Power System Biological Opinion and the All-H Recovery Strategy, are initiated throughout the Columbia Basin. Establishing quality criteria or other controls to ensure the adequacy of assessment products, establishing explicit linkages

between assessment information and project or action selection, developing a decision framework to implement biological priorities, and establishing a monitoring program for restoration efforts all should be priority objectives not only for the Oregon Plan but for NMFS and all other entities involved in salmon recovery.

Concomitant with the need for monitoring habitat protection and restoration actions and linking them to changes in fish populations is obviously the need to establish recovery goals. Although the Oregon Plan appears to be succeeding in changing citizen and agency behavior in directions more compatible with salmon recovery, as we continue along the spectrum toward recovery the need for clearly defined recovery goals becomes ever greater. Such goals and objectives have not yet been established under the Oregon Plan. Developing and adopting these goals should be a priority. Here again we note the opportunity to collaborate. NMFS has recently initiated recovery planning in the Willamette and Lower Columbia river basins and will soon have recovery planning processes underway in the Interior Columbia Basin and in the Southern Oregon/Northern California Coast Evolutionarily Significant Units. The recovery planning process includes developing quantified recovery goals, and we are eager to collaborate with the state and other entities in this process.

Finally, while the voluntary component of the Oregon Plan seems to be vigorous and evolving more rigor, there is a need in the coming year to consider the regulatory component of the Oregon Plan. Protection of currently functioning habitat is at least as important as, if not more important than, restoration of degraded habitat, and the importance of protection is highlighted by consideration of the impacts future population growth and resource use will have on habitat. Salmon recovery will not be viable in the long run if acquisitions and restoration are the main mechanisms to protect habitat function. There is a need to upgrade the ability of state and local regulatory programs to protect habitat. And there is a need to assess enforcement of existing programs and identify those where enhanced enforcement would provide large biological benefits, and then to upgrade enforcement accordingly. We realize these are sensitive issues with significant political, social, and economic ramifications, but we believe it is crucial to the success of salmon recovery to acknowledge and address the role of regulatory programs and enforcement in the process.

We also remain committed to continuing our efforts to streamline the regulatory permitting and consultation process while ensuring adequate protection of listed species. We invite the state to work with us to inform and educate the public about the permitting process, and to make the process more transparent and coherent to the public. Similarly, it would be beneficial to cooperate on public education efforts for large and controversial topics, such as debates surrounding wild and hatchery fish, recovery planning, permitting, and other issues. On all of these issues, the greater the extent to which the Oregon Plan and NMFS can speak with one voice, the more clearly our joint objective of salmon recovery will be understood and acted upon by the public.

If you have questions or wish to discuss these comments or the attached report, please contact Patty Dornbusch at 503-230-5430.

Sincerely,

Garth Griffin
Acting Assistant Regional Administrator
Protected Resources

cc: Mike Tehan
Rob Jones
Brian Brown