



# Oregon Plan *Teamwork*

Oregon Plan for Salmon and Watersheds

September 1998

*This monthly publication is written and distributed by Mikell O'Mealy, Oregon Sea Grant Fellow in the Governor's Natural Resources Office. It presents her observation of the evolving roles and activities of supporting teams and oversight bodies of the Oregon Plan for Salmon and Watersheds.*

## **Salmon Strategy Team Discusses Impacts of Coho Listing**

As directed by U.S. Magistrate Janice Stewart's ruling concerning what state conservation efforts can be considered under the Endangered Species Act, the National Marine Fisheries Service reconsidered the listing of coastal coho in Oregon. On August 3, NMFS announced that it will list the species as threatened from Cape Blanco to the Columbia River effective October 2, 1998.

### ***Budget Implications***

The October 2<sup>nd</sup> listing will undoubtedly affect implementation of the Oregon Plan. The most immediate and critical effect will be the loss of Timber Tax revenues after November 1, 1998. The Timber Tax is a primary source of revenue for the Watershed Improvement Grant Fund, the main funding mechanism for on-the-ground projects. Section 16 of House Bill 3700 requires that the Timber Tax be terminated on the first day of the month following a listing for coastal coho, creating an approximate \$6,800,000 shortfall in funding resources. The Emergency Board may allocate a \$2,600,000 reservation to offset the shortfall, but this action has not yet been taken. Approximately \$4,200,000 of the total shortfall has already been committed to various interagency agreements and watershed restoration grants. GWEB has made a recent request to the Emergency Board to cover this amount to protect existing agreements and grants. In addition to these existing commitments, the need for continued funding persists as evidenced by the 144 grant applications recently received by GWEB, requesting approximately \$5,250,000 in sum.

### ***The MOA***

The Memorandum of Agreement that was signed by the State of Oregon and NMFS in April of 1997 defined the details of a relationship designed to allow the State to proceed with the Oregon Plan without an ESA listing of coastal coho. The past year has seen the Oregon Plan expand restoration efforts far beyond the scope of coho alone, and the relationship originally defined by the MOA may no longer be appropriate within the context of a listing.

Governor Kitzhaber will decide soon whether to withdraw from the MOA, which is subject to termination thirty days after either the State or NMFS gives notice. One option being considered to replace the MOA is an Executive Order. The Order would likely provide guidance to all Oregon stakeholders on how to move forward with restoration activities within the State's expanded scope of recovery efforts, and reaffirm the commitment to fulfill the obligations set forth in the Oregon Plan.

### ***The Pending Appeal***

The lawsuit that led to Magistrate Stewart's decision proceeds. In July, the Federal Department of Justice joined Oregon's appeal of the decision to the Ninth Circuit Court of Appeals. The Ninth Circuit recently granted Oregon's request for an expedited appeal, which will significantly accelerate what can become a two to five year process. The State and Justice Department will submit written arguments to the Court by October 1, and the plaintiff's written response is expected by November 1. Oral arguments are likely to

take place in early 1999, and the expedited written decision is expected two to six months afterwards. The State of California is taking the lead in writing a supporting brief to join Oregon's appeal, and it is anticipated that other states may join in the appeal process as well.

In the interim, NMFS has stated it wants the Oregon Plan to serve as the foundation for future recovery efforts that will occur pursuant to the listing of coastal coho. However, NMFS has also stated that in its present form, the Oregon Plan does not constitute a recovery plan as defined in Section 4 of the ESA. Specifically, it lacks (1) site-specific management actions necessary to achieve recovery of the species, (2) measurable criteria which, when met, would result in the de-listing of the species, and (3) estimates of the time and cost required to achieve plan goals. A strategy for making additions or modifications to the Oregon Plan to meet these requirements has not yet been identified.

### **Implementation Team Addresses Key Issues and Priorities**

The Implementation Team held a two-day worksession in late July to address challenges and priorities for implementation of the Oregon Plan. A wide range of needs, both internal and external, were brought to the group's attention by local, state and federal Team members. Subcommittees were created to take on critical areas of needed improvement, including internal and external communication, local and regional implementation, and monitoring and information sharing. In addition, the Team is presently working to prioritize an expansive list of issues to form a workplan for the coming year. Attention will be given to addressing the specific barriers to implementation identified in the Annual Report.

### **Joint Legislative Committee Hears Progress of Willamette Restoration Initiative**

The Willamette Restoration Initiative, launched by Governor Kitzhaber in a May 5<sup>th</sup> speech to the Portland Chamber of Commerce, is making progress in organizational structure and plan development. A Board of Directors will guide the Initiative, representing various private and public stakeholders. Recommendations for the membership of the 20 to 25 seat Board are presently in review. Sector Teams will be formed to take on specific categories of watershed problems in the Willamette. The Initiative plans to produce an Interim Recovery Plan for fish species in the basin by March 1999 when the next round of listing decisions are expected from NMFS. Restoration efforts will then be expanded to integrate all basin issues, consistent with the watershed strategy set forth in the Oregon Plan. Ultimately, the Willamette Restoration Initiative will become a Willamette Chapter of the Oregon Plan, similar to the Steelhead Supplement.

Members of the Joint Legislative Committee underscored the importance of maintaining the watershed council-driven, bottom-up approach that was developed in the Oregon Plan as new efforts are initiated in the Willamette. Concerns focused on ensuring that the Willamette planning effort does not entail a new bureaucracy, or new regulatory authority in the valley. To raise awareness and set the stage for these efforts, the Governor plans to designate September as "Willamette River Month" on September 3.

### **IMST Plans Briefings on Key Science Issues**

As part of their detailed examination of scientific issues key to Oregon Plan efforts, the Independent Multidisciplinary Science Team will host presentations on two main topics at their September 10<sup>th</sup> meeting. A morning session will address lowland and estuary systems; their historic functions and current conditions, as well as a review of basin plans being prepared for lowland systems. The afternoon will bring a presentation on temperature standards; the basis for traditional standards, the physics of heating and cooling, and what have come to be known as "alternative" standards. Discussion is

anticipated on what factors should be considered for alternative standards and how habitat conservation plans might be incorporated into these. On September 11<sup>th</sup>, the IMST will address progress of ongoing team projects, including evaluations of temperature standards, marine mammal and bird predation, escapement and monitoring.

### **Outreach Team Coordinates State Fair Booth**

The Oregon Plan Booth will entice and educate curious kids and adults again this year at the Oregon State Fair. Building on our presence at the 1997 Fair, this year's booth will feature a striking Oregon Plan display, an interactive stream table, an aquarium containing steelhead and chinook smolts, the famed button-making machine and informative brochure materials. Two full time coordinators will staff the booth, along with many enthusiastic volunteers from state and federal agencies.

The Fair runs from August 27 through September 7, and volunteers are still needed for four-hour shifts from 10am to 2pm, 2pm to 6pm, and 6pm to 10pm each day. Spouses are always welcome. Parking passes and entry to the fair will be provided. Contact Teresa Trump to sign up for this fun event, either by phone at 503-378 3589 ext. 821, or email at [teresa.trump@state.or.us](mailto:teresa.trump@state.or.us).

### **Monitoring Team Plans Review Workshop**

On November 18 and 19, the Monitoring Team will host a workshop to review monitoring activities that have occurred thus far in association with the Oregon Plan. Included in the workshop will be a presentation of the Monitoring Report, discussion of the strategies and objectives for effectiveness monitoring, and prioritization of important topics for additional attention. State and federal monitoring team members, watershed council monitoring staff and various other local, state and federal experts are invited to attend. The location of the workshop has not yet been determined.

The Oregon Plan Monitoring Program incorporates three distinct types of monitoring. Implementation Monitoring tracks the progress of agency measures set forth in the Plan. Compliance Monitoring evaluates compliance rates for existing environmental laws and statutes. Effectiveness Monitoring uses assessments of baseline conditions, natural and cultural trends, and causal factors to determine the effectiveness of Oregon Plan efforts to meet recovery goals. It is the work in Effectiveness Monitoring that will be the focus of the upcoming workshop. For more information, please contact Kelly Moore, Oregon Plan Monitoring Program Leader, at (541)-757-4263 ext.226, email: [moorek@fsl.orst.edu](mailto:moorek@fsl.orst.edu).

### **Coastal Salmon Restoration and Production Task Force Prepares for September Meeting**

As charged by the 1997 Oregon Legislature in Senate Bill 924, the Coastal Salmon Restoration and Production Task Force will utilize proven credibility and experience to provide oversight on the implementation of the Oregon Plan. Building on findings of the *Coastal Salmon Restoration and Production Task Force Final Report* issued in May 1997, the group will examine a wide variety of issues affecting the Oregon Coast. Key considerations will include implementation of the Wild Fish Policy, incorporation of STEP Programs, and use or non-use of hatcheries.

It is anticipated that the Task Force will be an influential voice in the 1999 Legislative Session on these and other restoration and production issues. The Task Force was successful in providing recommendations to the 1997 Legislature during the initial development of the Oregon Salmon Restoration Initiative. The group will work to set their agenda at their first meeting, now being planned for mid-September.

## **GWEB Holds 5<sup>th</sup> Biennial Conference**

The Governor's Watershed Enhancement Board will hold its biennial conference on October 14, 15 and 16 at the Four Rivers Cultural Center in Ontario, Oregon. Entitled "Who Will Catch The Rain?," the conference will feature in-depth watershed assessment workshops, technical sessions, scientific lectures, council and agency exhibits, project highlights, awards banquet, mini-grants for watershed projects and field tours. Approximately 400 to 500 people are expected to attend, representing watershed councils, farmers, ranchers, environmentalists, natural resource managers, local governments, agencies and citizens. For registration information, contact the conference registrar at (503)-590-4240.

## **American Heritage River Designation Brings Additional Resources to Willamette**

The Willamette is one of fourteen rivers recently designated as an American Heritage River through a federal program designed to help restore and protect the nation's waterways and riverfronts. While the designation does not directly bring new federal dollars to the Willamette River, it does provide the State with a "river navigator" to help identify federal resources and coordinate federal support for ongoing restoration efforts. The State will have the opportunity to identify and select the river navigator, who will likely work closely with the Willamette Restoration Initiative.

## **September Meeting Schedule**

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|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sept. 10, 11 | Independent Multidisciplinary Science Team<br>Agricultural Production Room, LaSells Stewart Center, Oregon State Univ., Corvallis.<br>Time: 8:30am to 5:00pm each day |
| Sept. 10     | Joint Legislative Committee on Salmon and Stream Enhancement<br>Hearing Room A, State Capitol, Salem.<br>Time: 9:00am to 4:00pm                                       |
| Sept. 15     | Outreach Team<br>Oregon Department of Agriculture, 3420 Cherry Ave. NE, Salem.<br>Time: 1:30pm to 4:00pm                                                              |
| Sept. 17     | Implementation Team<br>Mill Creek Room, Division of State Lands, 775 Summer St. NE, Salem.<br>Time: 9:00am to 1:00pm                                                  |
| Sept. 17     | Monitoring Team<br>Mill Creek Room, Division of State Lands, 775 Summer St. NE, Salem.<br>Time: 1:00pm to 4:00pm                                                      |
| mid-Sept.    | Coastal Salmon Restoration and Production Task Force<br>Contact Onno Husing, Oregon Coastal Zone Management Assoc., (541)-265-8918                                    |
| Sept. 29     | Healthy Streams Partnership<br>Room TBA, Capitol, Salem.<br>Time: 9:30am to 4:00pm                                                                                    |