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Background Brief on ...

Oregon Plan for Salmon and Watersheds

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Background

In 1995, following the listing of spring Chinook as threatened under the Endangered Species Act (**ESA**), the National Marine Fisheries Service (**NMFS**) proposed listing two Oregon Coast evolutionarily significant units (**ESUs**) of coho salmon as threatened species and had plans to review all the populations of salmon in the Pacific Northwest. Evolutionarily significant units are distinct population segments that represent an important genetic component in the evolutionary legacy of a species and are substantially reproductively isolated. Over the following two years, Governor Kitzhaber and the Oregon Legislature undertook an unprecedented effort to develop and fund a state strategy to recover coho salmon, an outcome that would have rendered federal intervention unnecessary. In March 1997, the Oregon Legislature enacted, and the Governor signed into law, measures addressing harvest, hatchery, and habitat management, along with a \$30 million funding package to implement the strategy. Based on plan components and the state's financial commitment, for the first time in history, the federal government accepted a state recovery plan and left the species in candidate status.

Oregon signed a Memorandum of Agreement (**MOA**) with NMFS and earmarked \$30 million to implement the Coastal Salmon Restoration Initiative on the condition that Oregon Coastal coho salmon were not listed as threatened or endangered. The Oregon Natural Resources Council sued NMFS in U.S. District Court asserting that the Service erred by considering voluntary and non-implemented measures when making its listing decision. The District Court's decision (97-1155-ST) found for the plaintiffs and required NMFS to make a new decision without accounting for voluntary or other measures not fully in place. Oregon's appeal was unsuccessful. In August 1998, NMFS listed the Oregon Coast coho ESUs as threatened. The listing effectively released Oregon from the MOA with NMFS. Governor Kitzhaber issued Executive Order #99-01 to reaffirm Oregon's commitment to species recovery under the Oregon Plan for Salmon and Watersheds (**Oregon Plan**).

Currently, eleven salmon and steelhead ESUs in Oregon have been listed as threatened under the ESA. More recently, NMFS determined Oregon Coast coho did not warrant ESA listing, based on a detailed analysis of the biological status of coastal coho by Oregon and verified by NMFS.

Oregon's statutory revisions and existing state and federal law, together with administrative policy and rule changes, form the framework of the Oregon Plan. Statutory provisions are found under ORS 541.405 – 541.415, with additional watershed management requirements and guidelines provided under ORS 541.351 – 541.401.

Oregon Plan Mission and Activities

The mission of the Oregon Plan is to restore the watersheds of Oregon and to recover the fish and wildlife populations of those watersheds to productive and sustainable levels in a manner that provides substantial ecological, cultural and economic benefits [ORS 541.405(1)(a)]. The Oregon Plan consists of four key elements:

- Voluntary action by citizens
- Action by agencies including the regulatory baseline and programs
- Monitoring
- A scientific foundation as guided by the Independent Multidisciplinary Science Team

Actions under the plan are accomplished by landowners, other citizens, industry, local watershed councils, soil and water conservation districts (**SWCDs**), state and local governments, tribal governments, and stakeholder groups. Grants are available to support restoration projects and capacity building through the Oregon Watershed Enhancement Board (**OWEB**), funded by the Parks and Natural Resources Fund (lottery) and through federal sources. Restoration projects include fish passage, upland habitat enhancement, water quality improvements, fish screens, riparian area enhancement, and stream habitat improvement. Capacity building refers to watershed assessments, restoration action plan development,

monitoring, watershed education, and technical support. More information is available at www.oregon.gov/OPSW/.

Ballot Measure 66 and Funding

Ballot Measure 66, approved by voters in November 1998, amended Section 4, Article XV of the Oregon Constitution to dedicate 15 percent of net lottery proceeds; half to improve state parks and half to finance the restoration and protection of native salmonid populations, watersheds, fish and wildlife habitats, and water quality. The 1999 Legislature enacted House Bill 3225 to implement Ballot Measure 66 and created the Parks and Natural Resources Fund to account for lottery proceeds dedicated to restoration and protection activities. The measure also created OWEB as an independent agency to administer the fund. In the 2001-03 biennium, \$110.7 million accrued to the Fund, increasing to \$117.1 million in the 2003-05 biennium. To date (November 2006) in the 2005-07 biennium, \$91.9 million in net lottery proceeds have been deposited in the Parks and Natural Resources Fund, with \$159.5 million projected for the biennium. Ballot Measure 66 refers the question of continued use of lottery proceeds back to the people at the November 2014 general election.

Current Activities

Recovery plans are required for species listed under the federal Endangered Species Act. In Oregon, state agencies are participating with NOAA Fisheries (formerly NMFS) to develop plans consistent with ESA requirements and the requirements of Oregon's Native Fish Conservation Policy. A draft Coastal Coho Conservation Plan has been completed. While coastal Coho are not listed under the ESA, the plan identifies measures to be taken to ensure each population is viable and to increase the abundance of each population in the future. The Mid-Columbia River Steelhead Recovery Plan will be available in early 2007. Additional plans for the Upper Willamette, Lower Columbia, Southern Oregon-Northern California, and Snake River ESUs will be

developed in 2007. All plans are being developed with local stakeholders to ensure that management measures are embedded in the locally affected communities.

Voluntary restoration is also taking place on privately owned lands under the Oregon Plan. Two types of locally based institutions—watershed councils and soil and water conservation districts—provide assistance to landowners to implement voluntary restoration. Between July 2005 and September 2006, OWEB awarded over 600 competitive grants totaling nearly \$39 million for on-the-ground projects and related monitoring, outreach, project development and local capacity activities. Watershed councils and soil and water conservation districts were the recipients of 89 percent of those awards and are continuing their work to implement the critical voluntary restoration element of the Oregon Plan.

Independent Multidisciplinary Science Team

In 1997, the Legislature created the Independent Multidisciplinary Science Team (IMST) to provide autonomous, scientific review of Oregon Plan implementation. The team consists of scientists with expertise in fisheries, artificial propagation, stream ecology, forestry, rangeland, watershed and agricultural management jointly appointed by the Senate President, Speaker, and Governor. The IMST periodically reviews the Oregon Plan and makes recommendations for adjustments. State agencies must respond to IMST recommendations. The team has issued technical reports on several topics including fish harvest management, temperature standards, fish hatchery management, forest practices, Western Oregon lowland resources, and monitoring. Technical reports may be found on the IMST website at www.fsl.orst.edu/imst/index.htm.

Oregon Watershed Enhancement Board

Under House Bill 3225 (1999), the Legislature replaced the Governor’s Watershed Enhancement Board with the Oregon Watershed Enhancement Board, making it an independent state agency. The OWEB mission is to promote and implement programs to restore, maintain, and enhance Oregon watersheds in order to protect the economic and social well-being of the state and its citizens.

The agency is governed by a 17-member board including six public members, five voting representatives of state natural resource agency boards and commissions, and six nonvoting representatives of federal agencies and the Oregon State University Extension Service. OWEB administers the Parks and Natural Resources Fund and federal monies received for the purpose of watershed restoration.

OWEB Grant Allocations by Type: July 1999 through September 2006

Grant Type	Total Grant Allocations	Number of Grants
Small Grants	\$6,601,364.41 (5%)	1032
Acquisition	\$16,773,438.31 (12%)	36
Assessment	\$6,534,068.08 (5%)	121
Council Support	\$16,917,988.31 (12%)	222
Education	\$6,007,993.09 (4%)	199
Monitoring	\$6,620,366.00 (5%)	151
Restoration	\$79,198,476.62 (56%)	969
Technical Assistance	\$4,039,432.96 (3%)	145
Total	\$142,693,127.78	2875

**Source: Oregon Watershed Enhancement Board*
More information is available at www.oregon.gov/OWEB/.

Watershed Councils

Many landowners, groups, and government entities are taking action to restore the health of Oregon's watersheds. One example is voluntary local watershed councils, whose primary purpose is to develop basin assessments and action plans and to conduct projects to improve water quality and habitat. At present, about 90 watershed councils have formed across the state.

Watershed councils consist of local residents and officials including, but not limited to, representatives of: local landowners, public interest groups, industry, Indian tribes, academic and professional communities, as well as local, state, and federal agencies. Watershed councils are created once recognized by a local government entity such as a county commission. Funding for watershed councils is provided biennially through a competitive grant process.

Healthy Streams Partnership

The Healthy Streams Partnership (HSP) provides the Joint Legislative Oversight Committee with local and regional perspectives on Oregon Plan implementation. HSP recommends adjustments necessary to facilitate efficient implementation of the Oregon Plan and other stream improvement programs. The Partnership consists of 21 members with representatives of: soil and water conservation districts (7), Indian Tribes (2), environmental groups (2), and beneficial water users (10). The membership is jointly appointed by the Governor, Senate President and Speaker of the House.

Recent Legislation

House Bill 2138 (2003), based on Salmon Recovery Task Force consensus recommendations, defines the following terms for purposes of the Oregon Plan for Salmon and Watersheds: listed unit, native fish, naturally produced, population, recovery, and self-sustaining. The measure requires the Governor, once recovery is achieved, to direct the Fish and Wildlife Commission to begin rulemaking to remove the species from the state endangered species list as long as adequate measures remain in place to avoid the species returning to threatened or endangered status.

Senate Bill 945 (2001) clarified the Oregon Plan's mission and goals. The bill directed that a statewide monitoring program be developed to evaluate the effectiveness of Oregon Plan activities.

Senate Bill 946 (2001) directed the Oregon Watershed Enhancement Board to coordinate data collection and retrieval for use by state natural resources agencies and other entities such as watershed councils, SWCDs, and land use planners.

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