

Oregon Plan for Salmon and Watersheds DRAFT Coastal Coho Assessment

February 25, 2005

The Certainty that the Conservation
Effort will be Implemented

Policy for Evaluation of Conservation Efforts (PECE)

- State Assessment Used Federal Policy for the Evaluation of Conservation Efforts as Framework
 - Certainty of Implementation
 - Certainty of Effectiveness

Conservation Efforts

- State identified key programs which make up the conservation effort under the Oregon Plan for Salmon and Watersheds
 - Forest Management- state, private and federal
 - Water Quality- monitoring, standards, permitting, TMDLs, etc
 - Agricultural Management- CAFOs, 1010, pesticides, weeds, invasive species, SWCDs

Conservation Efforts

- Water Use Management- monitoring, distributing water for instream uses, regulating water rights
- Fisheries Harvest Management
- Hatchery Management- hatchery, native fish policies
- Removal, Fill, In-water Construction- removal-fill program, wetlands program
- Urban Growth Management- statewide planning program
- Watershed Restoration Programs

Implementation Criteria

- Conservation effort, parties, staffing, funding, resources necessary is identified
 - Pre 1997- FPA, Instream Water Rights, 1010, Removal-Fill, Wetlands, Harvest, Hatcheries, Water Quality, Watershed Enhancement, Land Use, etc.
 - Oregon Plan for Salmon and Watersheds- OCSRI, Steelhead Supplement, WRI Strategy, EO 99-01
 - Oregon Plan Legislation 1997-2003- funding, oversight, independent science review, mission, goals, definition, OWEB, etc.
 - Funding has increased from \$30 million (63 new FTE) in 97-99 to \$88 million in 03-05- Measure 66, PCSRF, Salmon License Plates

Implementation Criteria

- Legal Authority, Commitment
 - Agencies have legal authority through Oregon Revised Statutes (ORS) to carry out conservation efforts
 - Legislative directive through Oregon Plan statutes-gives overall legal authority
 - Governor directive through Executive Order 99-01
 - Boards and Commissions of each agency authorized conservation efforts
 - 7 year track record of commitment, continues into the future
 - Measure 37 adds some uncertainty but not expected to significantly affect the state's authority to carry out efforts necessary to prevent species from becoming threatened or endangered under federal law (one of the exceptions to Measure 37 are laws required to comply with federal law)

Implementation Criteria

- Legal Procedural Requirements
 - No state NEPA but there are legal procedural requirements imposed by statute on agencies
 - FPA- consider less burdensome regulations, evaluate need for regulation, etc.
 - Water Quality- EPA approval needed for standards, TMDLs, has not been an issue as most standards have been approved and all TMDLs have been approved
 - EQC/BOF- sufficiency analysis of FPA to meet and maintain water quality standards, completed in 2002, ok at landscape scale, risk for small/medium streams but significance and scope unknown- more work being done to address this

Implementation Criteria

- Legal Procedural Requirements (cont)
 - Agricultural programs- ODA/EPA MOA for pesticides, EPA approves implementation plans for TMDLs (1010 plans, CAFOs)
 - DSL- permit request reviewed by DEQ and ODFW, 404 permits required for same activities, permits reviewed for protection, conservation, best use of water resources
 - Hatcheries- may require water rights (public interest review), wastewater permits (does not adversely impact water quality)

Implementation Criteria

- Authorizations Needed
 - Most received already because this is an on-going effort
 - Agencies have protocols in place for securing landowner permission or permits, for monitoring, enforcement, etc. Have legal tools including the use of warrants
 - ODFW needs ITPs for research and monitoring
 - EPA approval of water quality standards and TMDLs
 - Watershed restoration projects- may require a number of authorizations depending on project complexity, has been an impediment to getting some projects done

Implementation Criteria

- Voluntary Participation
 - Important element because much coho habitat on private lands
 - Large component of OPSW
 - Watershed councils
 - SWCDs
 - Forest and agricultural landowners
 - Local governments

Implementation Criteria

- Voluntary Participation (cont)
 - Oregon Watershed Restoration Inventory- tracks voluntary efforts
 - 97-03 1372 riparian projects, 938 miles treated
 - \$107 million spent 97-03 in ESU
 - Incentives in place
 - Grant funds- OWEB, R&E, 319, federal programs
 - Technical Assistance- agency staff, grants
 - Threat of enforcement

Implementation Criteria

- Regulatory Mechanisms
 - ODFW- harvest (and through PFMC) and hatchery management
 - ODF- forestry on state and private lands (continuing work on small and medium streams)
 - BLM/USFS- forestry on federal lands
 - ODA- 1010, CAFO, Weeds, Invasives, Pesticides (tracking system not funded, in 05-07 budget proposal)
 - WRD- use of waters of the state, instream water rights (800 in the ESU- 3700 miles of stream) but junior to rights issued prior to instream rights
 - DEQ- federal delegation, broader state statutes, standards, TMDLs, NPDES permits, 401 certification, monitoring,
 - DSL- removal-fill (essential salmonid habitat), wetlands planning and protection
 - DLCD- land use planning, protect farm and forest land while requiring urban density development to occur in UGBs, important foundation for conservation effort, Measure 37 creates uncertainty, 05-07 budget includes resources for a 30 year review

Implementation Criteria

- Funding
 - Measure 66- in effect until 2014, 7.5% of net lottery revenues to salmon and watershed restoration efforts (\$50 million per biennium)
 - PCSRF- annual Congressional appropriations (\$25 million per biennium)
 - Salmon License Plate- continual flow of resources to OWEB (\$750,000 per biennium)
 - 05-07 GRB includes \$77 million, not including potential for FFY06 PCSRF- includes new resources for TMDL implementation and pesticide use tracking system

Implementation Criteria

- Implementation Schedule
 - Many of original schedules completed- 1010 plans completed for entire state
 - Watershed assessments and action plans completed for ESU with exception of Tillamook, Smith/Elk (Umpqua)
 - Major hatchery and harvest changes implemented, on-going review, adapt as needed

Implementation Criteria

- Implementation Schedule
 - TMDLs- completed in some areas; 2005- Umpqua, 2006- Sixes, Coos, Coquille, 2008-Alesea, Siletz-Yaquina, Siuslaw
 - Private industrial forest landowners- voluntary commitments through 2012
 - State forest lands- 10 year implementation plan adopted in 2003, review in ten years or sooner if new information
 - ODF- draft rules for small/medium streams out in 2005

Implementation Criteria

- Approval by Parties
 - Legislative Approval (ORS 541.351-541.420)
 - Governor Approval (EO 99-01)
 - Board and Commission Approval
 - Supported by state and federal agencies, local government, watershed councils, soil and water conservation districts, landowners, etc.

Summary

- There is a high level of certainty that the conservation efforts will be implemented in the ESU
- Agencies have adequate funding, staffing, resources and legal and regulatory authorities to carry out the conservation measures
- Legal procedural requirements can be met
- Implementation schedules are in place where needed
- Voluntary participation is strong and with current incentives is expected to stay strong in the future