

OREGON COASTAL COHO RECOVERY PROJECT
Stakeholder Team--Seventh Meeting
Embarcadero Resort, Newport

Draft: Facilitator's Meeting Summary
February 24-25, 2005

Attendees for all or part of the meeting:

Stakeholder Team Members: Bill Bakke (Native Fish Society), Paul Engelmeyer (public at large), Tom Forgatsch (Farm Industry), Wayne Giesy (Asea Valley Alliance), Cindy Heller (STEP), Wayne Hoffman (Mid-Coast Watershed Council), Bob Jacobson (Oregon Salmon Commission), Kaitlin Lovell (Trout Unlimited), Jason Miner (Oregon Trout), Bill Moshofsky (Save the Salmon Coalition), Richard Oba (Oregon Coast Sport Fishing), Shawn Reiersgaard (Tillamook Co. Soil and Water Conservation District), Dennis Richey (Oregon Anglers), Blake Rowe (Longview Fibre Co/OFIC), Sam Sasaki (Newport City Manager), Johnny Sundstrom (Oregon Assoc. of Conservation Districts), Terry Thompson (Assoc. of Oregon Counties), Stan van de Wetering (Confederated Tribes of the Siletz Indians)

Resource Advisors: Ed Bowles (ODFW), Tom Byler (OWEB), Rosemary Furfey (NOAA), Louise Solliday (GNRO)

Alternates and Technical Resources: Bob Baumgartner (DEQ), Robin Brown (ODFW), Bob Buckman (ODFW), Debbie Colbert (WRD), Charlie Corrarino (ODFW), Tom Davis (Asea Valley Alliance, alt. for Wayne Giesy), Liz Dent (ODF), Kevin Goodson (ODFW), Mike Gray (ODFW), Ray Jaindl (ODA), Pete Lawson (TRT-NOAA), Mark Lewis (ODFW), Jeff Lockwood (NOAA), Ted Lorenson (ODF), Kurt Melcher (ODFW), Bruce McIntosh (ODFW), Eric Metz (DSL), Jo Morgan (ODF), Darrin Neff (BLM-Tillamook), Jay Nicholas (OWEB), Jeff Rogers (ODFW), Christine Simon (alt. for Shawn Reiersgaard), Heather Stout (NOAA-TRT), Tom Wainwright (NOAA-TRT), Matt Walker (BLM-Tillamook), Jeff Weaver (DLCD), Ray Wilkeson (OFIC, alternate for Blake Rowe), Chuck Willer (Coast Range Associates), Bronwen Wright (Pacific Rivers Council), Brad Wurfel (ODFW)

Other Interested Parties: Joel Gallil (News Times), Mitch Lies (Capital Press)

Facilitation Team: Donna Silverberg and Robin Harkless (DS Consulting)

Action Items

Action	Who	By When
Email NOAA's response re: OMB directive to have independent review of listing decisions	Rosemary Furfey to Stakeholder Team	April 8
Gather additional information about TRT preliminary documents and opportunity for additional comment	Rosemary Furfey	April 8

Small group session to discuss Viability assessment document with ODFW and other Core Team members	Anyone interested	March 11, 2pm @ ODFW HQ in Salem
Public Q&A with candidates for Director of Hatchery Release Center	Anyone interested	March 11, 1-2 pm @ ODFW HQ in Salem
Develop and circulate ideas for an approach to the conservation planning process to the Stakeholder Team in advance of the next meeting	NOAA, the state and the facilitation team	April 1

DAY ONE

Summary of Where We Are

Comments on 11/15-11/16 Meeting Notes:

- Pg. 9, *Fishing Harvest*: Concern over the reliability of the hooking mortality estimation on catch & release of coho. It is higher than assumed in the analysis.
- Pg. 11-12 *Water Quality*: Concern had been raised before on ‘ambient sites’ and this (and other) comments appear to have had no affect on the assessment reports.
- Clarify and list all affiliations with the Steering Committee member names. Who gets paid to be here, who volunteers their time? Transparency is important. Attach a list of members with the assessment report.
- Pg. 8: Clarify the paragraph about ‘private forest and agriculture lands increase where coho reside’. As written, it is not clear what this means.
- Pg. 13: ‘Upland’ instead of ‘Highland’ (this is Oregon, not Scotland!).
- Pg. 8, ‘Actions’: Were these completed? The facilitation team will follow-up with Paul Englemeyer and Jay Nicholas.
- End of notes: The meeting was postponed from January 10-11 to February 24-25.

Review Process Guidelines, Timeline and Participation Issues:

Donna Silverberg, facilitator, welcomed everyone and gave a brief overview of what has happened since the stakeholder team last met in November. She referred to a handout that sets out the planned phases of the project and said that Phase I of the process, the time for tracking and providing input on the state’s assessment, is nearly complete. An email was sent out on 2/8/05, to remind and clarify that the stakeholder team’s role was not to serve as scientific peer review of the assessment (this is the IMST’s role). The state’s objective with holding Stakeholder Team meetings since June was to keep the group informed as it was writing its assessment so that later, during Phase II (the time for processing the information and getting ready to move into conservation/recovery planning), the stakeholder team would be up to speed and prepared to provide input on management actions and other policy implications of the assessment.

Next steps for review:

Louise Solliday, GNRO, reminded the group that March 15 is Oregon’s deadline for receiving public comment on the draft assessment. The state is compiling comments and will review them all before finalizing the document. They did not formally address comments in the first draft due to the short timeframe for completion, but a record of the

comments has been maintained. The final assessment will go to NOAA on April 30 in order to inform the federal listing decision and will include an appendix of the stakeholder team meeting minutes and a list of issues raised by the team members—with a clarification that the comments were made by individuals, not the team as a group. At the request of the group, the meeting minutes and issue list will also be linked via the web-site as part of the pre-draft information the state reviewed.

Response to Public Comment:

Comments received by the state will be grouped by subject matter and responses will come from the Core Team and various agency staff who worked on the draft reports. Oregon's comment process will be linked to NOAA's notice for public comment so it is clear that the two comment processes exist. As noted above, there will be a web link to meeting minutes and a summary of stakeholder team issues (through the Nov. 15-16 meeting) compiled by the facilitation team.

Timeline:

Kevin Goodson, ODFW, noted that the Coho Project timeline has been extended to the end of December. He reminded the group that the objectives of the project are to:

1. Assess the Oregon Plan for coastal coho
2. Use the assessment to inform NOAA's listing decision
3. Use the assessment as a basis to seek "legal assurances" for local participants
4. Use as a foundation for developing a 'conservation plan' for Oregon's coastal coho.

There was some discussion about providing legal assurance opportunities to private landowners. Theoretically, if a landowner fulfills certain requirements, they will receive protection from prosecution and other interference if the fish get listed. The state is working with NOAA on this issue.

It was clarified that Oregon is not assuming, nor is it lobbying for, a list or de-list decision from NOAA. Louise Solliday, the Governor's point person on this project, noted that the decision is a federal process. The Governor has been clear that the state will provide needed information to inform the decision, but is not making a recommendation on what the decision should be. The purpose of the assessment was to look carefully at Oregon's efforts to date with coho conservation, coho viability and the likelihood of implementation and effectiveness of the Oregon Plan in the future. As noted in previous meetings, the state had set up the stakeholder team to help with objectives #1 and 4 from the list above.

Stakeholder team member comments:

- The assessment does imply that, as it responds to ESA language of 'viability', the status of the fish does not warrant a list.
- There is a new USDA conservation funding program for in-stream efforts – the state and stakeholder team should look into this as we move forward. There will be a presentation on this program at a future meeting.

Movement Towards Conservation/Recovery Planning:

Kevin Goodson listed the components of a state conservation plan, noting that they match up well with those of a federal recovery plan. The details of the components will be discussed at a future meeting:

- Identify the species management unit (SMU)
- Describe “desired” status
- Describe current status
- Identify the gap between the two and what to do to close the gap
- Develop short- and long-term management strategies
- Describe needed research, monitoring and evaluation
- Develop a process for modifying strategies
- Include measurable criteria
- Compare to other species

Given these pieces of a conservation plan, Kevin offered next steps for the coho project:

- Begin by defining “desired status”
- Use the assessment and TRT limiting factors analysis to determine bottlenecks
- Develop management strategies to clear up bottleneck areas
- Perform an economic analysis
- Identify research, monitoring and evaluation needs

Stakeholder Team member comments:

- If NOAA lists the fish, won’t the state have to re-do their conservation plan? Regardless of NOAA’s actions, the state will build off the foundation of the assessment to develop a conservation plan, as required by state law.
- How will we keep momentum going if the fish are de-listed? There is concern that if the fish are not listed, federal funds will be lost that would otherwise be given to the watershed councils, etc. The state and NOAA believe that momentum will continue if a strong conservation plan is developed. That plan would identify recovery actions that would have high priority for funding and, especially if consistent with a federal recovery plan, will likely receive support—while at the same time potentially streamlining the ESA Section 7 consultation process, if the fish are listed. Other team members noted that Measure 66 and Pacific Coastal Salmon Recovery Funds (PCSRF) get distributed by OWEB, not the federal government. Since federal funds are year-to-year budget issues with Congress, a case for funding will need to be made regardless of a listing or not. And, if the fish ARE de-listed, those who have invested in the efforts to date will not walk away from those investments as the fish could just as easily be re-listed.
 - Suggestion – in Part 3A of the report, more clearly acknowledge the state’s commitment to move forward and address how the conservation effort will move forward regardless of the federal listing determination.
- Who will determine the desired status? The stakeholder team will be the voice of the ‘societal’ determination, and discussion will be vetted in other areas in accordance with the public review process in the Native Fish Conservation Policy. There are other conservation planning groups working in a similar capacity to this group, e.g.

Spring Chinook on the Rogue and the Interior Columbia Red-Band. All are learning how to do this part of the process.

Recovery Planning:

Rosemary Furfey, NOAA, provided a handout of NOAA's federal registered notice for public comment on the state's draft assessment. The NOAA Regional office and Science Center are reviewing the assessment and will provide comments by March 15. Anyone who wishes to make comments for NOAA to review prior to their comments being sent to the state may do so by March 11th and send to OR-Coho-Report.nwr@noaa.gov. It was noted that there was an OMB directive that all federal agencies must undergo an independent science review of all listing decisions.

ACTION: Rosemary will report back to the group via email what NOAA's response to this directive is.

Stakeholder Team member comments:

- An ISRP review should be part of the process. Is that possible? Rosemary has asked and was told that the ISRP focuses on broader issues, not specific assessments such as this. (She agreed to inquire with the ISRP again on this issue.)
- A concern was raised that Pacific Fisheries Management Council (PFMC) is not more involved with the stakeholder team process. It was noted that they were invited to participate as a member. However, they chose to be on the email contact list to receive and track all information that circulates amongst the group. The state, as a member of the PFMC, is working to ensure the current harvest matrix becomes rule for the PFMC.
- The TRT viability document and IMST review document are not available to the stakeholder team yet – it is difficult to offer comprehensive comments without these as they are the scientists the state is relying on for peer review. Will there be an opportunity for a next round of comments? Likely no, but the IMST comments will be included in the final assessment report.
 - **ACTION:** Rosemary will find out if preliminary information from the TRT document can be shared with this group, and if so, when. She will also find out if there will be a comment period open between April 30 (Oregon's submittal to NOAA) and June 2005, when the listing decision will be made. A strong concern was expressed that the stakeholder team is being asked to comment without all the facts on the table.

The group welcomed Brad Wurfel, ODFW's new Coho project outreach coordinator.

Synthesis of Viability Analysis and Evaluation of Conservation Efforts

Bruce McIntosh, ODFW, gave an overview of the assessment process. Four reports are included in the document: Part 1 Synthesis document, Part 2 Viability assessment (presented in December to the group), Part 3 PECE analysis (Part A and B), and Appendices (technical reports). All can be found on the Coho Project website at <http://www.oregon-plan.org/cohoproject/index.html>.

- Jay Nicholas, OWEB, provided a presentation of the Synthesis document, which summarizes and highlights the viability assessment document, conservation efforts and state technical reports.

The state's conclusions regarding of coastal coho's viability were:

- The ESU is viable.
- Factors for decline that existed have been and will be effectively addressed.
- Moderate risk remains from ocean conditions and stream complexity.
- Current management should preclude serious deterioration of fish or their habitat.
- Monitoring exists that will promptly detect any serious deterioration, providing opportunities for state and federal management actions and protection.

Stakeholder Team Member comments/questions:

- "Low to stable" language is softer than on the ground reality – do not agree at this point with the premise for viability based on the model used by the state.
- Stated problems that stakeholder team members had with the assessment do not appear to be addressed in the document. Where is the meaningful participation? For example, the four fish/mile criteria, relative to distribution only – the methodology on this is not clear.
 - Response: the state used a conservative approach in modeling. Many, many perspectives on different criteria went into the assessment, so it is not a simple read when looking at, for example, 'fish per mile' language. Also, the state found that abundance was not relative with this species – research showed that the fish were above replacement at low densities and below replacement at high densities.
- Population structure was challenged as it is depicted in the assessment. A preliminary study of genetics of coho shows inconsistency with the assumptions in the assessment and suggests that a smaller scale should be used for this criterion. Given this, it was suggested that the state add new preliminary genetic studies that challenge population structure assumptions to the assessment. Ed reminded the group that the state does NOT plan to make changes to the population structure based on preliminary findings from new research until the TRT and state scientists conclude this is warranted.

ACTION: The state will include a paragraph that notes that new genetic analysis currently underway may shift how population structure is treated. While preliminary, if the new analysis is accepted by the broader scientific community, the state will change its approach to conservation planning and note this in the assessment.
- Is there a way of 'correcting the course'? Yes, as supported in the Native Fish Conservation Policy –through adaptive management practices and by strengthening other criteria (e.g. productivity) in a well thought-through conservation plan.
- How did the state get to the button sizes for each factor? This is not explicitly discussed in the assessment and needs to be clarified.
- 'Predators' should stand alone as a factor, not placed under 'other' or mixed in with 'hatcheries'. As written in the assessment, it looks as though the state sees hatcheries (and their large releases of 'food') as the primary cause of predation. A number of

members felt that predators are an important and potentially high priority for restoration.

- Jay noted that there is a full report on predators, and that they were analyzed as a stand-alone factor. A suggestion was made to reflect in the document where the ESA and the Marine Mammal Act come in to conflict. From an analytical standpoint, the state will not likely place predators as a medium-sized ‘button’ at the ESU/population scale. But, the state does agree that for site-specific areas, predators may be a bigger limiting factor.
- **ACTION:** The state will separate predators out from ‘other’, and will note that it is an area for further research, as data is unknown. (NOTE: Some stakeholder team members felt that predators should remain under ‘other’.)
- Passage: Because all of the barriers to passage are not fully known, and are potentially a long term problem, ‘passage’ should not be a small button – why was it labeled as such? The state recognizes that the debate on this issue is ripe and sees that passage may have a significant impact in population growth for the future. There is an opportunity for input from the stakeholder team to fill in the unknowns via the conservation planning phase – it will remain a small button at this point until habitat above barriers can be prioritized in terms of high and low quality for restoration. The issue can be addressed most effectively in the conservation/recovery planning process at a smaller (e.g. population) scale.
- For passage and predators – add ‘potential at local level for being larger threat’ to leave a placeholder that supports local restoration work in these areas.
- Stream flow: Shouldn’t stream flow be bigger than a low risk, especially considering growth of populations in coastal communities? If looking at the chart, you do not see any acknowledgement of how concerned local community members are about this risk.
- Water quantity: Did the state consider drought projections? No, the assessment was based on improving viability of the species and looking at drought projections would not be, on an ESU scale, a top priority for reaching that goal.
- The graphics need to be presented more clearly to reflect what is written in the report.
- Look at the Conservation Security Act for water quantity. Deep pools would be a better solution than shading relative to water quality (temperature).
- Water quantity could affect/cause problems by delaying the coho life cycle.
- Link in a side by side table ‘risks to viability’ and ‘restoration’ for easy comparison and to show that priorities are made based on viability determinations.
- Re: Climate change – Shouldn’t there be a bigger mention of this factor? The state addressed this mostly under marine survival because no trends are known at this point. Likely, this issue will be discussed in more detail in the assessment based on IMST comments.
- Add ‘ESU’ to the ‘conclusions’ slide to be clear about scale.
- Add a bullet on the ‘conclusions’ slide that “other risk factors exist that may be important in local areas”.
- Add ‘and continued restoration efforts’ to bullet #4 under ‘current management’ on slides.

- To better help the reader, include a glossary of all acronyms used in the assessment.
- P. 19 Figure 3: Tighten up the graph on how the graph was made – cumulative or not? Figure captions should be reviewed and cleaned up.
- As a tool for making a change in the future, this is a very good document!
- At the beginning of the document, identify what law brought the Oregon Plan into existence.
- Remove ‘revisions to forest practices’ and just say ‘Forest Practices Act’.

Next Steps: Ed Bowles and ODFW staff will host a small group session to go over the viability assessment for those who want more details and/or to make oral comments, on **Friday March 11 at 2 pm at ODFW Headquarters in Salem.**

Public and Other Comments:

- Link up the 5-20 year viability horizon with the court’s time frame regarding ESA Threatened listing. Ed Bowles responded that only the persistence modeling had a time horizon. The persistence modeling assessed the probability of extinction over the next 100 years. The rest of the viability criteria were based on retrospective analyses of the data.
- Pinnipeds – species fitness may be a significant issue, and if you get rid of too many predators, this may detract from the fitness of salmon. Predators serve a real function in genetic diversity/ecosystem health. It was noted that jetty construction has increased the ability of predators to easily catch fish, so the scales have been typically in favor of predators – not species fitness.
- Re: predators –Because of the Marine Mammal Act, we do nothing to manage predators and so population control happens through starvation. This is a cruel management practice and should be addressed.

Day One Wrap-Up

What is the Stakeholder Team’s protocol for talking to the press? The protocols only state that this is an open process and,

“Members and Resource participants agree to maintain the respectful tone of the meetings outside the meetings, including all e-mail correspondence. Any reporting to constituents, speaking to the press or other discussion of the meetings will focus on issues not on individuals”.

Given some press coverage that occurred in the interim since November, the following suggestions were made for future interactions:

- Differentiate between the group and personal comments to the press – only speak for yourself/agency/organization, not the stakeholder team.
- Notify team members if the press is developing a story so all have an opportunity to comment if they choose.
- Nobody should speak for the team unless the stakeholder team drafts a press release statement together.
- If you do speak to the press, be mindful of how the press might spin what you say.
- Keep in mind that this is an on-going process and you might pigeon-hole yourself and your organization/constituents if too much is said in the press.
- Provide only written statements to the press.

UPDATE: Charlie Corrarino, ODFW noted that the Hatchery Release Center is looking for an advisory group to aid the new Director. There will be a public Q&A session with the four candidates on Friday, March 11 from 1-2 pm at ODFW Headquarters in Salem. Following, there will be opportunity for a small group meeting to discuss the viability document with ODFW and others that worked on the Oregon Plan assessment.

DAY TWO

PECE Part 3A: Certainty of Implementation

Louise Solliday, Governor's Natural Resources Office, gave a power point presentation (and provided handouts) on Part 3A of the assessment: the certainty that conservation efforts will be implemented by the state and others. The analysis involved identifying federal and state agency programs that comprised the Oregon Plan, which included: forest management, water quality, agriculture management, water use management, fisheries harvest management, hatchery management, waste removal, urban growth management, and watershed restoration programs. The assessment tracks nine criteria from NOAA Fisheries. The following bullets summarize the conclusions for each criterion and followed by comments from stakeholder team members:

- *Conservation effort, parties, staff, funds and resources need to implement is identified.* This was completed and ORS's were attached to elements of the Oregon Plan so that even the legal links are clear. Louise also noted that funding sources have grown since the beginning of the Oregon Plan conservation effort.
- *Legal authority and commitment are described.* The state has done this through ORS's, legislative directives, Governor directives, commitments from needed boards and commissions, and a 7-year track record. Note: There is some uncertainty of the effect Measure 37 might have on coho efforts as it is unknown yet. While there are exceptions in Measure 37 for federal regulations and pollution, it is unclear how those exceptions will play out over time.
 - *Question:* What is the level of enforcement actions taken as a result of the legal challenges? *A:* This was identified in individual agency reports to show a 'track record' of violations and compliances. Terry Thompson, Oregon Counties, clarified that it appears the level of compliance is high, and that local agencies are engaged in enforcement as well as the state.
 - *Comment:* It would be useful to show how much compliance there is as opposed to (or in addition to) enforcement action required.
 - *Comment:* Don't you need to evaluate Measure 37 as though federal regulations do not exist if the fish do not get listed? *A:* While the ESA might not apply, the Clean Water Act still would.
- *Legal procedural requirements are described and fulfillment of the requirements will not preclude commitment to the effort.* Through statute, the Forest Practices Act, TMDL's as delegated by EPA, an MOA between ODA/EPA, DSL permits, hatchery management requirements, and water rights, the state believes the procedural requirements are not so onerous as to effect the effort.

- *Comment:* Concern was raised about the sufficiency analysis of the Forest Practices Act (at a landscape scale OK, but smaller scale may be an issue). Work is being done by the agency to address this.
- *Authorizations are identified and a high level of certainty exists that those who need to will get authority to implement the plan.* Most state agencies have already acquired the necessary authorizations. Where private authorization is needed, protocols are in place to get them. This will remain an ongoing effort. Watershed restoration projects have met some authorization impediments, but most have been overcome.
 - *Comment/Suggestion:* There is no way to calculate the number of projects that never get started due to multiple permit requirements. Suggest designing a system that allows a private landowner or watershed council the ability to obtain only the most difficult permit, with sign-off from the remaining agencies as a given.
 - *Suggestion:* The report should also capture the authorization not granted, e.g. funds to support pesticide reporting, and projects that have gone through without authorization, e.g. water quantity uses in urban areas.
 - *Comment:* There is concern about the slow response in getting to water quality levels required by the Clean Water Act and DEQ not making cities/counties speed up their process to compliance (e.g. Portland, Reedsport). Discharge and water rights remain a concern.
 - *Suggestion:* Quantify the number of enforcement cases that have been brought, and where we are now – how quick did agencies respond to violation reports in the past, and how many are still unresolved?
 - *Comment re: Hatchery Genetic Management Plans:* A spreadsheet in the report shows how many plans have been submitted, for which species. All coho have been submitted. Should Hatchery Program Management Plans (HPMP) be captured as well?
 - *Suggestion:* Team members would like to see the assessment give recognition that most people in the areas where fish reside have worked hard and are complying with the requirements.
- *Voluntary participation is identified and a high level of certainty is provided that these efforts will help the plan move forward.* This has been and is a major component of the Oregon effort. The Oregon Watershed Restoration Inventory tracks volunteer efforts; \$107 million in funding was granted for local projects from 1997-2003 in the ESU; a number of incentives programs are in place to support voluntary efforts and there is a track record that shows how much volunteer participation exists.
 - *Suggestion:* STEP projects should be highlighted in the presentation – put in table to show their efforts, which is very strong and could show the strength of voluntary efforts. (While STEP does not report to OWEB, STEP projects are put into the OWEB database, and should go here too).
 - *Comment:* Re: riparian projects and fences. There were 500 miles put in that got flooded and knocked out and had to be put in again. Which volunteer efforts remain, which get washed out?
 - *Comment:* Relative to other areas, much has been accomplished for a relatively small funding investment.

- *Comment:* Many efforts do not get reported; acknowledge this as it tells an even BIGGER voluntary participation story. The state recognizes this and would like to include all voluntary projects in the OWEB data base, which only tracks information from grant fund recipients-or those who send data on their own. The stakeholder team could help by providing the local information for inclusion in the database.
 - Many county employees do restoration work in the course of their everyday work that benefits salmon, e.g. culvert cleaning.
 - Agriculture industries are also doing work under SB 1010 that does not get reported, but are good conservation efforts.
- *Comment/suggestion:* Both of the above examples, like so many others, points out that there has been a culture shift with voluntary efforts since the Oregon Plan was developed. Somehow this should be noted even though it is not easy to quantify. Important social capital has been built to support this effort and should not be overlooked or undervalued.
- *Suggest:* Add legal assurances to the list of possible incentives and ‘people want to do the right thing’ as an incentive to balance ‘enforcement mode’.
- *Comment:* Technical assistance in some areas is lacking and could be improved.
- *Regulatory mechanisms necessary to implement are in place.* Yes – ODFW, ODF, BLM, ODA, WRD, DEQ, DSL, and DLCDC all have enforcement mechanisms they can employ if needed.
 - *Issues that still need to be addressed:*
 - Current water rights are second to rights issued previously to in-stream regulation.
 - Cannot regulate removal of large wood.
 - Measure 37 creates uncertainty. Applications in Measure 37 have come in since this report was drafted, and will need to be captured. The final assessment will include the numbers and types of claims made to cities, counties and the state in the coastal area.
 - *Comment/suggestion:* Another perspective on Measure 37 is that, because there now is more certainty for landowners in the land-use process, there is less need to ‘beat’ regulation by changing the landscape/use or selling. Do not put a negative spin on the effects of Measure 37 in the assessment.
 - *Suggestion:* Capture the federal regulatory mechanisms that also have an impact on restoration.
- *High level of certainty that funding exists to support the plan.* Measure 66 (7.5% of lottery funds dedicated until 2014), Pacific Coast Salmon Recovery Funds (PCSRF), Salmon license plate income, and ’05-07 Governor’s budget all provide the certain, stable funding needed to make the conservation effort successful.
 - *Suggestion:* Break out actual PCSRF funding that was directed specifically at this ESU.
 - *Suggestion:* Show how funding has been spent on the coast, not just statewide. Also it would be useful to summarize this financial information (amount and spent on what) in a table by agency.

- *Comment.* There is concern with the backfill of funds, and if de-listed, funds may be diverted to other areas. The resolve and resources are not certain. Response: The Governor is attempting to deal with this backfill through his proposed budget. Also, if the fish are not listed now, there is always the threat that the fish will be re-listed. Legislators and others know that we cannot back away from efforts too quickly in any case.
- *An implementation schedule is provided.* The schedule has been in place for a while and many target dates have already been met, including 1010 plans and watershed assessments. On-going efforts include TMDL's, voluntary commitments, implementation plans for state forest lands, and draft rules re: small/medium streams from ODF.
 - *Comment:* Caution against specifically saying there is a commitment when discussions may be ongoing. For example, there is discussion and current development of *draft* rules for small/medium streams, but nothing has been finalized. (If there is an issue being considered and will continue to be addressed, the state included it in the assessment as an ongoing implementation piece.)
 - *Comment:* The Fall Creek Research hatchery should be mentioned in the assessment.
- *The plan or effort is approved by all necessary parties.* Yes –The Legislature, Governor, necessary Boards and Commissions, have all approved the plan which was developed through a great deal of interagency coordination of the core agencies.

Louise summarized the outcomes of the assessment of 'certainty of implementation':

- There is a high level of certainty of implementation in the ESU.
- Agencies have adequate funding, staffing, resources and legal/regulatory authorities to carry out conservation efforts.
- Legal procedural requirements can be met.
- Implementation schedules are in place where needed.
- Voluntary participation is strong and expected to continue.

Additional Stakeholder Team Member Comments:

- Forest management – erosion of the numbers of staff in Lincoln County may impact effectiveness and is a concern.
- Forest management – concern that not all on-the-ground water quality data is being processed in the data bases – might this be due to under-staffing?
- Forest management – the Forest Practices Act only has jurisdiction over commercial land. There is need for jurisdiction over non-commercial harvest, e.g. Siletz, Salmon River, Alsea River where trees are cut for firewood or views on private lands.
- Water quality – The Pesticide Use Reporting System needs to be funded to write information about water quality needs (Note: it is in the Governor's proposed budget).
- Water quantity – when violations on dredging/filling are reported to DSL, there appears to be inadequate or slow response – is this due to under-staffing, inadequate regulations, or....?

- There are concerns that Measure 66 funds are being diverted to other uses and that ‘capital’ has been re-defined to equal ‘percentage of work’ and, therefore, this is decreasing voluntary participation.
- No mention of ODOT restoration work – highlight this. (ODOT restoration work is included in the OWEB database.)

PECE Part 3B: Certainty of Effectiveness

Bruce McIntosh began his presentation noting the four principles underlying the actions that the assessment was based on – Change historic management practices, conserve existing conditions, create future conditions, and monitor. The following section summarizes the results of the six key elements (questions) of Part 3B of the assessment.

1. Describe Nature and Extent of Threats, and How the Conservation Effort Reduces Threats:

For this question, the assessment team focused on programs that influence stream complexity, water quality and water quantity.

- Forest management – Current forestland protection is sufficient. On federal lands, where standards are implemented, recovery is the goal. On state lands, the ‘desired future condition’ supports the habitat requirements of native fish. Private lands are likely to restore habitat in the long-term (through attaining a mature forest condition and woody debris recruitment). OR Department of Forestry (ODF) provides alternative management of riparian areas, incentives, technical assistance and guidance. Relative to overall effectiveness, based on existing regulatory programs, we are unlikely to see a decline and likely to see improvements in forest practices. Overall, the state concluded that forest practices are not a significant threat to coho viability.
 - *Comment* – Concern with the comment that ‘large diameter trees are increasing in upland and riparian areas’.
 - *Comment* – ‘Ample technical guidance’ language is a concern – New land owners with “new” management practices are blooming in the state without the staff to provide these non-industrial private landowners the technical guidance and education needed to get appropriate management of forested areas—this is also true in agricultural areas.
 - *Comment* – Degradation in stream complexity is still being observed. Increasing capacity to do in-stream work where not already being done is important, even if degradation is not a result of forest management practices. If degradation continues to occur, there may be a threat to viability, and some of this is occurring on a site specific basis. Bruce offered that much of the restoration work is recent (since the 1980’s) so improvements may not yet be fully actualized. Ted Lorenson, ODF, suggested that real opportunities exist to improve conservation efforts that are not yet known. We should continue to look for those opportunities given the uncertainties. Be clear in the report about the uncertainty.
 - *Clarification* – The IMST concluded that forest practices are not sufficient to meet recovery goals Delete - IMST said nothing about viability, that wasn’t a question at the time. DEQ and ODF have websites with

sufficiency analyses to meet water quality standards and recommendations for changing forest practices to improve habitat, through regulatory or voluntary efforts. Ed Bowles stressed the need to de-couple notions of desired status (which will be addressed in the state's conservation plan) and viability threats (which is what the assessment focused on).

- *Comment* – Be mindful of the historical perspective on forest management; do not focus entirely on active management, as some work may be unnecessary (e.g. shade areas).
- *Comment* – Shade, large woody debris, and instream food supply are interrelated. All three cannot be maximized at the same time; there are trade-offs. All are important, but we don't know how any of them connect directly to increased fish productivity. We need to balance these factors instead of trying to maximize one or the other of them.
- *Question* – Where is the data to support 70-99% riparian area? Figures on riparian area effectiveness can be found in the Forestry report on riparian issues. Also, there are more details on public safety issues and effects on aquatic habitat.
- *Comment* – There is concern with the statement about basal area increase for small and medium streams on page 16 of the agency report. The assessment team is still working on this.
- *Comment* – Re: management of riparian areas and allowable harvest: since regulations in the Forest Practices Act went into effect, opportunities for harvest have increased since new trees have grown. The ODF report shows that this harvest effect is not a problem yet. Again, this plays into the incentive noted earlier, that 'people want to do the right thing'.
- *Comment* – There was a conscious effort to keep landowners economically involved in their riparian zones in the development of current forestry regulations for stream protection. Landowners are more likely to invest and actively manage riparian forests, provide what fish need, conduct restoration projects, and reforest after disturbance events if they continue to have an economic interest in their riparian forests. Economics is not the only motivation for landowners, but it is an important one.
- Water quality – Most water quality regulation is managed through DEQ/TMDL's. Currently, there are four TMDL's completed in the ESU; the remainder will be completed by 2008. Stream temperature, bacteria, and sediment areas were addressed. Additionally, the Dept. of Agriculture is responsible for Water Quality Management Plans and rules prohibiting discharge of waste. The assessment found that:
 - While many coho streams did not meet water quality standards, no trend was seen for the last decade.
 - Current programs are designed to meet water quality standards.
 - Implementation is in the early stages on agricultural lands.
 - If implementation is effective at meeting water quality standards, this translates into benefits to native fish.
 - Continued monitoring, review and adaptive management are critical to long-term effectiveness.

- *Comment* – What about mercury? Mercury is addressed in the Willamette TMDL, and the information will be used to inform and begin work monitoring mercury in other areas. There is a general movement toward monitoring and addressing mercury and other toxics in all TMDL's, including those on the coast.
 - *Comment* – Liked the specificity of water quality data. It is not as clear for others at the population level in the watersheds. This raises a concern with the entire assessment if data, such as large woody debris, is not clear enough. (For each monitoring area, consistent trends among monitoring areas were observed, giving the assessment team insight into what was happening at the populations level)
 - *Comment* – Lead is another water quality issue. EPA is conducting studies in the Siuslaw and has put this on the horizon as an issue that is becoming more significant. DEQ is beginning to monitor lead.
 - *Comment* – Organic pollutants (human and animal) also are becoming an issue. They are not addressed in TMDL's yet, but water quality researchers are beginning to look at this on the coast, especially effects on endocrine systems.
- **Water Quantity** – The Oregon Department of Water Resources assessed the likelihood of meeting summer low flow needs. They determined that the regulatory process maintains a minimum instream flow, and the primary risk factor is on the North Umpqua. They found also that consumptive use has not substantially increased since 1999.
 - *Suggestion* – Establish an 'urban water conservation ethic', and divert any additional water that comes from this to in-stream.
 - *Suggestion* (also shared in November) – Augment the analysis with current water rights granted but not exercised or current requests for additional rights to show the potential for an increase in consumptive use. (The analysis was done for August and WRD does not anticipate giving any new rights. The report does recognize that there may be future pressures.)
 - *Comment* – Look at storage as a potential solution. Water is a critical survival issue and there needs to be a balance between available water in the winter with lower levels of available water in the summer. Human and fish needs are often at odds with one another. There are risks and benefits to storage; consider in- and off-stream storage options.
- **Habitat Restoration** – Looked at activities that address limiting factors and promote long term restoration, through: partnerships; regulation; funding; and monitoring of restoration effectiveness.
 - *Suggestion* – Recognize specifically STEP, Tillamook Estuary Partnership, and LCREP on the partnership slide.

2-4. *Questions 2-4, re: conservation objectives, steps to implementation and parameters/standards for achievement and progress, were addressed in the individual agency reports.*

5. *Monitor and Report on the Conservation Effort:*

Implementation, monitoring and reporting components are important and well underway in state programs. Descriptions of monitoring and reporting are detailed in the technical reports. Oregon Plan monitoring programs have gained broad acceptance. Investments in the last decade provide a strong baseline.

6. *Incorporate Principles of Adaptive Management:*

Adaptive management is the central premise of the Oregon Plan. This assessment is an example of adaptive management in action, and monitoring of standards and adaptation has been key to success thus far. Oregon partners will now use the findings of the assessment to improve decision making and target investments.

Summary:

- Current regulatory programs are adequate to maintain current habitat conditions.
- Non-regulatory programs focus on risk factors.
- Monitoring is crucial.
- There is a commitment to develop a conservation plan which will move the state from addressing minimum viability standards to recovery planning.

Stakeholder Team Member Comments:

- *Question:* Why is there such a commitment to improving roads? *A:* It serves multiple functions: it is a quick restoration action for passage and fine sediment, has less permit requirements, and gets commitment from landowners.
- High intrinsic potential habitat is not just on state forest lands— stream complexity, private agricultural lands, and private forest lands are also major areas for HIP. This is acknowledged in the report.
- Look at particular areas (stream by stream based on local capabilities and needs) to prioritize restoration projects, rather than the whole ESU.
- It would be helpful to hear NOAA's perspective on ways to improve the assessment. *A:* NOAA will have comments in to the state by March 15. All comments, positive and negative, will be helpful for both NOAA and the state and should be submitted.
- *Re:* Adaptive management – now that stream complexity is a high priority, will it be prioritized for funding, more so than roads?

Wrap Up/Next Meeting:

The next meeting will be held on **Friday, April 8, in or near Cannon Beach** (details to follow). The Stakeholder Team will discuss:

- Conservation planning
 - Process and approach for the group
 - Review elements of a conservation plan
 - Discuss a process for decision making

- “Desired Status”
 - What are the guiding principles?

ACTION: NOAA, the state, and the facilitation team will meet to develop ideas for an approach to the conservation planning process and circulate ideas to the Stakeholder Team in advance of the next meeting.

Meeting Evaluation – The Stakeholder Team commented on today’s meeting and suggested ways in which future meetings and the overall process could be improved. Stakeholder Team members found it very helpful to have hard copies of power point presentations, receive information in advance of the meeting, and to have stayed on schedule. Momentum, at times, got lost during today’s meeting, but was recovered. Improvement could be made on providing context and continuity between comments. It was noted that there will be strength in a consensus from this group as we move forward. Because of this, the team needs to further discuss issues of consensus and develop a protocol to address consensus. Effort could be made to improve a sense of ownership and acknowledgement that Stakeholder Team members are being heard by the state. The state and NOAA need to clearly lay out their expectations as we move forward.

ACTION: Kevin Goodson, ODFW, and Rosemary Furfey, NOAA, will develop a visual that shows, side by side, conservation plan elements and recovery plan elements, and where they overlap.

An agenda and logistics for the April meeting will be forthcoming.

Thank you all for your continued participation in the Coastal Coho Project. We appreciate your efforts and commitment to the collaborative process.

DS Consulting Donna Silverberg and Robin Harkless

E-mail changes or comments on these notes at
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