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Background Brief on...

Oregon Plan for Salmon and Watersheds

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Background

In July 1995 the National Marine Fisheries Service (NMFS)—now referred to as NOAA Fisheries—proposed listing two Oregon Coast evolutionarily significant units (ESUs) of coho salmon as threatened species under the federal Endangered Species Act (ESA).

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 next two years, Governor Kitzhaber and the Oregon Legislature undertook an unprecedented effort to develop and fund a state strategy to recover these 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.

2003-05 Watershed Restoration Projects

TYPE OF PROJECT	TOTAL GRANT ALLOCATIONS	NUMBER OF PROJECTS
Fish Passage Improvement	\$7.5 million (23%)	81
Fish Screen Program	\$4.0 million (13%)	1
Riparian Area Enhancement	\$3.5 million (11%)	79
General Restoration	\$3.0 million (10%)	2
Wetland Enhancement	\$2.5 million (8%)	22
Acquisition	\$2.5 million (8%)	6
Upland Erosion Control	\$2.1 million (7%)	43
Channel and Bank Alteration	\$1.75 million (6%)	30
Grazing Management	\$1.25 million (4%)	37
Instream Water Enhancement	\$1.25 million (4%)	21
Vegetation Management	\$1.0 million (3%)	22
Stream Habitat Enhancement	\$1.0 million (3%)	39
Estuarine Enhancement	\$ 50,000 (.1%)	2

TOTALS TO DATE \$31,450,000 385 projects

**Source: Oregon Watershed Enhancement Board*

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. On August 3, 1998, NMFS listed the Oregon Coast coho ESUs as threatened. The listing effectively released Oregon from the MOA with the National Marine Fisheries Service. 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**).

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:

- 1) voluntary action by citizens,
- 2) action by agencies including the regulatory baseline and programs,
- 3) monitoring, and
- 4) 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, Indian tribes, and stakeholder groups. Grants are available to support restoration projects and capacity building through the Oregon Watershed Enhancement Board (OWEB), funded in 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.

Ballot Measure 66 and Funding

Ballot Measure 66, approved by voters on November 3, 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 Oregon Legislative Assembly 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. In the 2001-03 biennium, \$110.7 million accrued to the Fund. To date (May 2004) in the 2003-05 biennium, \$54.7 million in net lottery proceeds have been deposited in the Parks and Natural Resources Fund with \$112.1 million projected for the biennium. Ballot Measure 66 refers the continued use of lottery proceeds back to the people at the November 2014 general election.

Independent Multidisciplinary Science Team (IMST)

In 1997, the Oregon Legislature created the Independent Multidisciplinary Science Team 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, House 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. Most technical reports may be found on the IMST website at www.fsl.orst.edu/imst/index.htm.

Oregon Watershed Enhancement Board (OWEB)

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 voting public members representing all regions of the state, five voting representatives of state natural resource agency boards and commissions, and six nonvoting representatives of federal agencies and the Oregon State University Agricultural Extension Service. OWEB administers the Parks and Natural Resources Fund and federal monies received for the purpose of watershed restoration.

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 must consist of a majority of local residents and officials, including, but not limited to, representatives of: local landowners; public interest groups; industry; Indian tribes; academic and professional communities; and local, state, and federal agencies. Watershed councils are created once recognized by a local government entity such as a county commission.

Healthy Streams Partnership (HSP)

The Healthy Streams Partnership 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 House Speaker.

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.

House Bill 3225 (1999) implemented Ballot Measure 66, passed by the voters November 3, 1998, to set aside fifteen percent of net state lottery proceeds; half for state parks and half to restore and protect native salmonid populations, watersheds, fish and wildlife habitats and water quality.

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