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Background Brief on ...

Oregon Plan for Salmon and Watersheds

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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. ESUs 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 John Kitzhaber and the 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 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 the 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 the NMFS in U.S. District Court asserting that the NMFS 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 the 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, the NMFS listed the Oregon Coast coho ESUs as threatened. The listing effectively released Oregon from the MOA with the 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**).

In 2006, the NMFS determined that 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 the NMFS. The federal government was sued on this decision, resulting in the federal court order that required the NMFS to relist Oregon Coastal coho as a threatened species. The relisting took effect on May 12, 2008. Currently, twelve salmon and steelhead ESUs in Oregon are listed as

threatened under the ESA.

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 to 541.415, with additional watershed management requirements and guidelines provided under ORS 541.351 to 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 (**IMST**)

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.

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 Legislative Assembly enacted House Bill 3225 to implement Ballot Measure 66. Specifically, the bill created the Restoration and Protection Subaccount for lottery proceeds dedicated to watershed health-related activities. The measure also created OWEB as an independent agency to administer the funds in the subaccount. Since 1999, the amount of lottery proceeds deposited in the Restoration and Protection Subaccount has grown, with \$98.7 million projected for the 2007-2009 biennium. Ballot Measure 66 directs the legislature to refer the question of continued use of lottery proceeds back to Oregon voters at the November 2014 general election. If the new measure does not pass, Ballot Measure 66 will be repealed on January 1, 2015.

Current Activities

Recovery plans are required for species listed under the federal ESA. In Oregon, state agencies are participating with the NMFS to develop plans consistent with the ESA requirements and the state requirements of Oregon's Native Fish Conservation Policy. The Coastal Coho Conservation Plan was completed in March 2007. Oregon will be discussing the Conservation Plan's applicability as an ESA recovery plan. 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 public draft of the Mid-Columbia River Steelhead Recovery Plan will be available in late spring 2008. Additional plans for the Upper Willamette, Lower Columbia, Southern Oregon-Northern California, and Snake River ESUs will be developed through 2009. Plan development involves local stakeholders to ensure that proposed management measures are vetted with 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 SWCDs - provide assistance to landowners to implement voluntary restoration. Between July 2007 and April 2008, OWEB awarded nearly 450 competitive grants totaling \$35 million for on-the-ground projects and related monitoring, outreach, project development, and local capacity activities. Watershed councils and SWCDs were the recipients of 86 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 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, and watershed and agricultural management jointly appointed by the Senate President, the Speaker of the House, and the Governor. The IMST periodically reviews the Oregon Plan and makes recommendations for adjustments. State agencies must respond to the IMST recommendations. The team also serves as independent reviewers of Oregon recovery and conservation plans. The IMST has issued technical reports on several topics including conservation and recovery plans, fish harvest management, stream temperature, fish hatchery management, forest practices, monitoring and indicators, and riparian area management.

Oregon Watershed Enhancement Board

Under House Bill 3225, the 1999 Legislative Assembly replaced the Governor's Watershed Enhancement Board with OWEB, 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 6 public members, 5 voting

representatives of state natural resource agency boards and commissions, and 6 nonvoting representatives of federal agencies and the Oregon State University Extension Service. The OWEB administers the Restoration and Protection Subaccount and federal monies received for the purpose of watershed restoration and salmon recovery.

OWEB Grant Allocations by Type July 1999 through March 2008

Grant Type	Total Grant Allocations	Number of Grants
Small Grants	\$8,167,588.97 (5%)	1268
Acquisition	\$18,970,168.48 (11%)	40
Assessment	\$7,072,119.74 (4%)	130
Council Support	\$22,812,282.32 (13%)	279
Education	\$7,187,352.75 (4%)	244
Monitoring	\$9,144,544.58 (5%)	203
Research	\$3,093,389.00 (2%)	13
Restoration	\$105,430,418.12 (59%)	1171
Technical Assistance	\$6,015,349.99 (3%)	209
Total	\$179,725,624.98**	3557

**Source: Oregon Watershed Enhancement Board*

***Total percentage may exceed 100 due to rounding*

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, and 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.

Recent Legislation

The 2007 Legislative Assembly enacted Senate Bill 967 to update all references to inactive legislative committees created by statute. The reference to the Joint Legislative Committee on Oregon Plan was replaced with an “appropriate legislative committee.” There have been no substantive legislative changes to the Oregon Plan statutes.

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