

MEMORANDUM

October 6, 2000

TO: Governor John A. Kitzhaber, MD

FROM: Stephen J. Purchase
Acting Director

SUBJECT: Oregon Plan Quarterly Report

Issues:

Scientific basis for designating essential salmonid habitat:

Should it be based on the types of habitat used by salmonids for spawning and rearing (e.g., stream gradient, gravel size) or should it be based on actual fish presence and evidence of decline in numbers in a particular stream (DSL3)?

Application of Removal-Fill Law to agricultural activities: This issue arose over push-up dams (DSL11) but the debate is moving to any removal-fill activity on land zoned for agriculture.

Use of compensatory wetland mitigation funds for projects that do not have universal support: The Division issued a removal-fill permit to and provided Wetland Mitigation Bank Revolving Fund monies for a coho habitat and wetlands restoration project (DSL13) on public lands to which some people in the county objected.

Dredging for flood control: The Division is reviewing two removal-fill permit applications in Tillamook County that propose to remove large amounts of gravel (30,000 cubic yards and 60,000 cubic yards) within tidally-influenced areas for flood control. The effectiveness of dredging in flood control is an issue that continues to arise throughout western Oregon.

Statewide Measures:

DSL1: Develop standardized permit conditions reflecting Best Management Practices for removal-fill activities; DSL26:

Analyze and implement regulatory streamlining options: The Division published a final Biological Assessment of Oregon's removal-fill program. This provides the basis for an Endangered Species Act Sec. 7 consultation on DSL's efforts to obtain a Statewide Programmatic General Permit from the Army Corps of Engineers.

DSL3: Revise administrative rules on essential salmonid habitat: OAR 141-102-0040 requires DSL to revise essential indigenous anadromous salmonid habitat designations through formal administrative rulemaking each biennium, if the Division determines changes are necessary based on data submitted by the Oregon Department of Fish and Wildlife and other interested parties. The Division is now in the process of revising the essential habitat designations to address recent listings of salmonid species as threatened or endangered. The same Technical Advisory Committee that advised the 1997-98 rulemaking has been convened for the current effort. We currently are considering a net increase in essential habitat stream miles from the 17,706 miles designated in 1999, to 18,101 miles. This change reflects both additions and deletions to the 1999 designations. The most significant additions are due to the listing of the Upper Willamette River runs of Chinook salmon. Removal of stream segments (primarily the lower Columbia and lower John Day) is due to information that shows those are primarily migration areas and not essential for spawning and rearing. We anticipate Land Board adoption of the revised administrative rules in February 2001, following a statewide public involvement process.

DSL13: Target compensatory wetlands mitigation to salmon habitat projects: The Wetland Mitigation Bank Revolving Fund provided a grant for restoration of the Cherry Avenue Wetlands at the Oregon School for the Deaf in north Salem. This wetland system receives and cleanses runoff from the "Deaf Creek" drainage, including a developing industrial park to the east of Cherry Avenue, before it drains to the Willamette. The improved water quality helps salmonids in the Willamette. It is also a "Green City" site, which students from the School have studied and monitored for several years. The first phase of this 2.5 acre restoration project began this summer with removal of old fill material and reconnection of two large wetland areas. The second phase will be completed by wetland vegetative

plantings in Spring 2001. Monitoring of water quality and vegetation will continue until at least 2003.

DSL13: Target compensatory wetlands mitigation to salmon habitat projects: The Claggett Creek Watershed Council will receive \$84,600 from the Salem-Keizer School District as part of the compensatory wetland mitigation for the new elementary/middle school complex south of Verda Lane. The Division is working out the terms of a wetland restoration project at Claggett Creek Park with the Council. Any remaining funds will be used on similar projects in the same drainage. Claggett Creek is a severely degraded urban stream that once supported cutthroat trout and other native salmonids, but now is reduced to narrow ditch-like channels. A primary goal of the project will be to replicate the creek's historic characteristics, including fringe wetlands, where it passes through the park.

DSL14: Work with other agencies to clarify jurisdiction over removal of large wood from streams: DSL is participating in the working group established by HB 3393 (1999). For the June meeting, staff prepared a white paper on a permit approach to regulating removal of instream wood. For the October meeting DSL is presenting a white paper on a statutory prohibition similar to that proposed in the 1999 session.

DSL19: Continue implementation of Oregon's Wetland Conservation Strategy: DSL received a \$250,000 grant from the Oregon Watershed Enhancement Board (OWEB) for Local Wetlands and Riparian Inventories and planning efforts. We will be selecting around ten local governments to receive funds from this grant and assisting them in completing these Goal 5/17 tasks. Potential benefits to salmonids is one of the selection criteria.

DSL19: Continue implementation of Oregon's Wetland Conservation Strategy: DSL is beginning development of a wetland planning guidebook and short course that will provide the "blueprints" for local governments to follow to complete their Goal 5/17 wetland and riparian planning responsibilities. The guidebook will also explain linkages between wetlands and riparian planning and stream water quality (Goal 6). We anticipate completion of the guidebook in around 12 months.

DSL23, 25: Improve public education materials for landowners, contractors and public works departments: To encourage landowners, contractors and public works departments in

Umatilla, Morrow and Grant counties to “work with streams, not against them,” the Division, in partnership with other state, local and federal agencies; watershed councils and private companies to sponsor a two-day workshop, September 28-29, in Pendleton. The workshop focused on techniques to enhance, restore or conserve streambank habitat. Most workshop sessions were held in the field to evaluate and discuss completed bioengineering projects and to observe active construction techniques at several sites in Umatilla County. 60-70 people attended the workshop and around 30 the field trip.

ONHP1: Add fisheries information to the Natural Heritage Data Bank: DSL received a \$391,580 grant from OWEB on behalf of the Oregon Natural Heritage Program to complete fisheries information in the database, update and maintain the wildlife and habitat information, convert the database to GIS format, and provide assistance to watershed councils in accessing and using the database.

Other:

DSL staff, along with their family members and friends, provided 124 hours of volunteer time to the Oregon Plan state fair booth.

cc: Paula Burgess
Roy Hemmingway