

# NATURAL RESOURCE FLYER

*An update for members of the Oregon Legislative Assembly*

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## *Oregon Plan for Salmon and Watersheds*

**404 Permitting Issues:** On June 30, 2000, the Army Corps of Engineers, Portland District, issued a new Regional General Permit for certain restoration activities in Oregon. The permit took effect July 1<sup>st</sup>, and covers placement of large wood and boulders following state-established guidelines. Once projects covered by these permits are completed, they need to be reported to the Oregon Watershed Enhancement Board on the Watershed Restoration Project Reporting Form. On culvert work, the state is awaiting clarification on 404 permitting exemptions. Other restoration work may require individual 404 permits, ESA Section 7 consultation with the National Marine Fisheries Service and/or US Fish and Wildlife Service, 401 certification from DEQ and other authorizations.

Clearly this approach to 404 permitting is complex and confusing. The state is looking at long term solutions that could streamline requirements, including 404 assumption and a Statewide Programmatic General Permit.

*For more information, contact Louise Solliday at (503) 378-3589, ext. 823.*

**NMFS Final 4(d) Rule:** The National Marine Fisheries Service (NMFS) has issued the final 4(d) Rule for most salmon and steelhead listed in Oregon. The rule provides guidance on what constitutes a "take" of listed salmon and steelhead and provides limitation to the general take prohibitions. ODOT received a limitation for its road maintenance program. While the rule is being applauded by some for giving more authority to local governments and others to craft programs that comply with the rule, there is much uncertainty about how the rule will be implemented by NMFS. The final rule is scheduled to be available on July 10<sup>th</sup> on the NMFS Regional website at <http://www.nwr.noaa.gov/>.

*For more information, contact Roy Hemmingway at (503) 378-5232.*

**OWEB Grant Awards:** The Oregon Watershed Enhancement Board (OWEB) approved 130 grants totaling \$8.1 million at its meeting on June 22-23, 2000. Included among the grants was the first major land acquisition grant to provide partial funds to purchase Whalen Island in Tillamook County for recreation and restoration purposes. The purchase is with a willing landowner and is supported by Tillamook County officials.

*For more information, contact Geoff Huntington at (503) 986-0180.*

**Total Maximum Daily Loads:** The U.S. Environmental Protection Agency (EPA) was scheduled to adopt new water quality regulations on July 7. Provisions that would have designated discharges from silviculture (forestry) activities as "point source" discharges requiring permits have been dropped and will be reconsidered at a subsequent rulemaking. Other key elements of the regulations:

- Require that a total maximum daily load (TMDL) include an implementation plan;
- Require that implementation plans provide "reasonable assurance" that measures to reduce pollution from nonpoint sources will be implemented;
- Establish schedules for attaining water quality standards;
- Establish schedules for developing TMDLs and implementing controls; and
- Require that states provide opportunity for public comment on list of polluted waters and TMDLs.

The new regulations will not significantly change Oregon's approach on TMDLs, much of which is also required by a court settlement of a prior Clean Water Act lawsuit.

*For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.*

**SB 1010 (Agricultural Water Quality Management Plans):** The Lower Deschutes Plan and Rules and the North Coast Basin Plan and Rules have been accepted by the Board of Agriculture and are being prepared for filing with the Secretary of State. The Yamhill Subbasin Plan and Rules have been through public comment and revisions and are currently being considered by the Board of Agriculture. The Department of Agriculture (ODA) continues to work with the Local Advisory Committee on revisions to the Umpqua Basin Plan and Rules in response to public comment. ODA has denied a request to form three independent advisory committees in the Umpqua basin and continues to work with the advisory committee that has been active for over two years. ODA intends to continue to work with local advisory committees in using a "whole-basin" approach rather than forming multiple advisory committees within a basin or subbasin.

*For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.*

**Oregon Plan Monitoring Team:** Oregon Plan field staff from the Department of Fish and Wildlife's Stream Habitat Survey and the Department of Environmental Quality's Biotic Index programs began conducting sampling this month in the Coastal and Willamette Basins. Crews are also checking sample locations and contacting landowners for upcoming juvenile salmon population monitoring and the fall and winter spawning surveys. Detailed maps showing proposed monitoring locations were sent to the relevant watershed councils, ODFW District Offices, and to the Oregon Watershed Enhancement Board.

The Oregon Plan Monitoring Team subcommittees have nearly completed work on a compilation and review of Stream Shade Measurement Protocols, and have begun work on developing guidance for Riparian Assessments.

The Monitoring Team will meet on July 13th in the Mill Creek Room at the Division of State Lands.

*For more information, contact Kelly Moore at 541-757-4263 ext. 226.*

**Willamette Restoration Initiative:** The Willamette Restoration Initiative (WRI) Board released its first report of recommendations for restoring the Willamette Basin to the Governor and the Legislative Assembly on May 18, 2000. The report sets forth 17 actions that the board found must be undertaken to restore the health of the Willamette Basin. The actions represent agreement by at least 80 percent of the 26-member board. In addition to the 17 actions recommended by the board, a number of actions were identified as of sufficient importance and interest to continue working to add detail to these actions in anticipation that some may be recommended by the board in its final report. Small, technical teams are currently working to add significant detail to each action, such as anticipated timelines, cost and the entity that is most appropriate to assume primary responsibility for implementing the action.

Other on-going activities of the WRI are worth noting. The Willamette Measures Integration Group continues to work to better integrate the state and federal measures of the Oregon Plan that are pertinent to the Willamette. The group is finding ways to connect related activities of state and federal agencies in a manner that reduces duplication and encourages interagency cooperation. The group may begin to look at ways to integrate local plans and measures into the Oregon Plan in the same manner.

The Willamette Restoration Initiative office is moving. After July 10, 2000, the offices will be located in the Salem Bureau of Land Management office and will have a new mailing address and telephone number. Please check the WRI website for this information, which will be posted as soon as it is available.

*For more information, contact Jeannette Holman at (503) 378-3589, ext. 826 or WRI Executive Director Rick Bastasch at (503)-986-0034, or [willamette.restoration@state.or.us](mailto:willamette.restoration@state.or.us), or visit the WRI website at [www.oregonwri.org](http://www.oregonwri.org)*

**Outreach Activities:** Early summer outreach efforts have been focused on improving the Oregon Watershed InfoLine, our toll-free phone system shared with the Willamette Restoration Initiative (WRI) (1-888-854-8377). Since we will be stepping up the marketing of this number, we want it to be easy for operators to help callers get the information they seek by developing packets for specific users. The packets will include appropriate information from Oregon Plan core agencies, and other government and private entities. Some of the packets being developed include those for homeowners, boaters, farmers, ranchers, recreationalists, gardeners, developers and builders, and others. Other packets will address landowner incentive programs, educators, the Columbia River, and a packet for each Oregon Watershed Enhancement Board (OWEB) region. General information packets on the Oregon Plan, OWEB and the WRI will also be available. Callers will still be able to order publications by name, as well as order the packets. For example, the new "A Guide to Oregon Permits" is available by calling the Oregon Watershed InfoLine.

*For more information, contact Bill Hastie at (503) 378-3589, ext. 834.*

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## **Forestry and Public Lands**

**Forest Practices Advisory Committee:** The Forest Practices Advisory Committee held its final meeting on June 9<sup>th</sup> and will forward recommendations to the Board of Forestry in a final report. The report will contain chapters addressing road and culvert improvements to enhance fish passage, additional riparian protections to provide more large wood to streams, and measures to improve aquatic habitat. The group was chaired by Ron Cease and represented a broad cross section of stakeholders.

**Steens Mountain:** The Governor's Office has worked closely with the Oregon Congressional delegation to craft a legislative proposal to provide long term protection to the Steens Mountain area of southeast Oregon. A conceptual agreement has been reached between the parties that would create a 140,000 acre wilderness area around the highest part of the Steens, with a 500,000 acre cooperative management and protection area encompassing much of the mountain. Protection of watershed health and the historic ranching economy and lifestyle would be the objectives of the area.

**Eastside Forest Issues:** The Governor's Eastside Forest Advisory Panel has met in Klamath Falls, Ukiah, Pendleton and Silver Lake over the past few months to examine progress being made on restoring ecosystem health on federal lands in these areas. The Panel has focused on identifying potential hurdles to successful implementation of restoration projects, including those that produce commercial timber for use by local communities. At the Ukiah meeting the Panel heard a discussion of the timelines available to the Forest Service to initiate projects and the financial capabilities of the Forest Service.

*For more information, contact Peter Green at (503) 378-3589, ext. 835.*

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## **Congressional Update**

The Governor's office is currently promoting in Congress a three state plan made in conjunction with the California and Washington for West Coast Groundfish recovery. The three state plan calls for increased research, community assistance and fleet restructuring. Congress is in the middle of the appropriations process and it is unclear if Congress will implement the three state proposal.

The House Appropriations Committee approved \$58 million for the Pacific Coastal Salmon Recovery Fund (during the last federal fiscal year, Oregon's share of this fund was \$9 million). The Administration had requested \$160 million total for salmon recovery efforts by the states of Oregon, Alaska, Washington and California and for funding the Pacific Salmon Treaty. The Senate Appropriations Committee has not yet acted.

*For more information, contact Kevin Smith at (202) 624-3535 or Julia Doermann at (503) 378-3589, ext. 829.*

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***Umatilla Chemical Weapons Disposal Facility***

The FBI and a Washington Tri-Cities bomb squad investigated a suspicious package found by a construction worker at the facility, but no explosives were found. Deficiencies in the Alert and Notification systems are being addressed by a State/County/FEMA work group being chaired by Wayne Kinney of Senator Ron Wyden's La Grande staff. Effective August 1, Oregon Emergency Management (OEM) will be placing a project manager on site in Hermiston. The Governor's Executive Review Panel for emergency response has been formed and held their first meeting in June. They will meet with the Governor on August 3, 2000. The Environmental Quality Commission (EQC) is considering a third-party request to repeal the permit for the facility. Final action has not been taken, but preliminary polling of four of the five Commissioners at the last meeting indicates that the EQC does not believe there is cause to repeal the permit.

*For more information, contact Stephanie Hallock at (503) 378-3589, ext. 832.*