

# Willamette River Fish Recovery

## Willamette River Salmon & Steelhead Recovery Plan: Frequently Asked Questions

October 2010

### 1. Why is a recovery plan needed for Upper Willamette River Salmon and Steelhead?

The Endangered Species Act (ESA) requires the National Marine Fisheries Service (NMFS) to develop recovery plans for all listed marine species. Two species of salmon and steelhead in the Upper Willamette River are listed as threatened under the ESA: The Upper Willamette River (UWR) Chinook (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU) includes all naturally spawned populations of spring Chinook salmon in the Clackamas River and in the Willamette Basin upstream of Willamette Falls. The UWR steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS) includes all naturally spawned anadromous winter-run steelhead populations in the Willamette River and its tributaries upstream from Willamette Falls to the Calapooia River (inclusive). A threatened species is one that is likely to become endangered in the foreseeable future throughout all or a significant portion of its range.

### 2. What is a recovery plan?

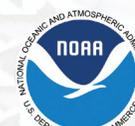
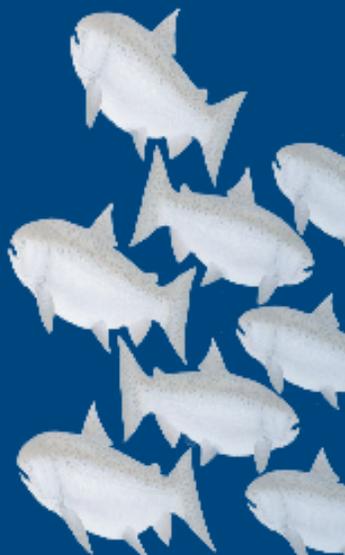
A recovery plan is guidance – like a roadmap - for the people and the various private and public entities – local, state, federal, or tribal – that are involved in efforts to improve conditions for species listed under the ESA. The ESA requires that recovery plans contain, to the extent practicable: (1) a description of site-specific management actions necessary to achieve the plan’s goal for the conservation and survival of the species; (2) objective, measurable criteria which, when met, would result in a determination that the species should be removed from the list; and, (3) estimates of the time required and cost to carry out the measures needed to achieve the plan’s goal and to achieve intermediate steps toward that goal. Recovery plans also need to be consistent with NMFS mandates to provide for sustainable fisheries and to meet treaty and trust obligations to Native American tribes.

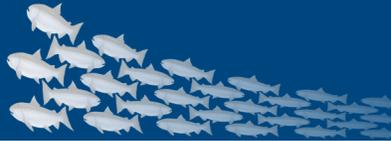
Recovery plans provide:

- An explanation of salmon and steelhead biology
- Recovery goals and viability criteria
- An assessment of current status, limiting factors and threats
- Recovery strategies and site-specific actions
- Estimates of time and costs to implement actions
- An organizational structure to coordinate regional research, monitoring and evaluation to track progress, and to make adaptive changes to management actions.

### 3. What does “recovery” mean?

In the ESA, recovery means the species is viable and naturally self-sustaining, no longer needs the protection of the Endangered Species Act, and therefore can be “delisted” – taken off the list of threatened and endangered species. For steelhead





and salmon, recovery means that naturally spawning populations are likely to persist in the long run, defined as the next 100 years. The steelhead or salmon species should also be resilient enough to survive catastrophic changes in the environment, including natural events such as floods, earthquakes, storms, and decreases in ocean productivity. ESA recovery does not imply restoration of historical (circa 1800) species status.

Recovery goals may also be established at a level above that required for ESA de-listing. Such goals are described as broad-sense recovery goals. These broad-sense recovery goals are designed to go beyond de-listing to achieve other legislative mandates and economic, social, and cultural values. In terms of social and cultural values, broad-sense recovery may mean sufficient abundance to allow robust and sustainable harvest or establishment of populations where they have been eliminated.

## **4. Who developed this recovery plan?**

The State of Oregon led development of this recovery plan, with participation and support from NMFS, scientists on the Willamette/Lower Columbia Technical Recovery Team, a planning team from other agencies and a stakeholder team representing broad interests in the region. NMFS and the State believe that recovery plans will be most successful where they have the strong support of those who will be involved in plan implementation; so this recovery plan was developed with the participation and contributions of a wide group of government and private entities and sovereigns (Tribes) with the potential to contribute to recovery. The stakeholder team included representatives from water and wastewater utilities, agriculture, industry, forest landowners, tribes, watershed councils, soil and water conservation districts, irrigation districts, counties and cities and conservation organizations.

## **5. How does the recovery plan become official – Who must approve it?**

NMFS must approve federal recovery plans. In Oregon, the federal recovery plan will serve as the state’s conservation plan required by the state’s Native Fish Conservation Policy and State Endangered Species Act. As such, the Oregon Fish and Wildlife Commission must also approve this plan.

## **6. What role does the Oregon Legislature play in approving the recovery plan?**

Legislators were consulted and briefed by Governor’s Natural Resources Office staff and ODFW Legislative Liaison staff regarding the content and progress of developing this recovery plan. Ultimately, after the recovery plan is adopted by the Oregon Fish and Wildlife Commission, the Legislature may be requested to fund various actions and positions needed to support recovery plan implementation.

## **7. What does Oregon stand to gain by developing and implementing this recovery plan?**

Oregon believes that developing one plan to meet state and federal needs is a more efficient and effective approach to governance and species recovery than two separate plans with possible competing or conflicting priorities. Over time, implementation of actions identified in the recovery plan is expected to achieve the plan goals—i.e., ESA de-listing and broad-sense recovery— which will return full management of these species back under the state’s control, and provide ecological benefits for watersheds and economic, social and cultural benefits for the citizens of Oregon

## **8. What management practices are addressed in the recovery plan?**

All of the limiting factors and threats that affect viability of ESA-listed species throughout their entire life cycle were examined to develop the recovery plan. The draft plan considers the current and potential effects of hatcheries, harvest, habitat, and hydropower (as well as any additional factors such as predation) on the potential to improve the status of ESA-listed species. Such practices include, but are not limited to, the following:





- Hatchery management and production levels
- Commercial and recreational fishing
- Urban and rural residential development
- Forestry practices
- Agricultural practices
- Marine mammal or bird predation
- Flood control or power generation dams
- Water diversions

## 9. How can hatcheries be used in endangered species recovery?

In the case of the Willamette River, the existing hatchery programs for Chinook salmon can play a critical role restoring natural fish production in the ESU. Adult hatchery fish are outplanted (i.e., released) into historic habitat lost by the construction of dams in the North and South Santiam rivers, McKenzie River, and Middle Fork Willamette River to evaluate the potential to establish naturally-sustaining populations in these areas. Without the use of salmon hatchery programs, the initiation of natural production above most dams would be minimal because there are few natural-origin fish returning to use in a reintroduction program. Production of hatchery fish also allows for continued harvest of Willamette Basin salmon while wild populations are recovering.

## 10. Does the recovery plan recommend adoption of specific new regulations?

No. This conservation and recovery plan does not carry regulatory authority, nor does it recommend precise modifications to existing regulatory programs under Oregon's authority. It does, however, elucidate regulatory gaps or weaknesses in current regulatory programs, and may influence future policy decisions by various Oregon boards and commissions responsible for regulatory programs related to recovery of ESA-listed species. Oregon agency governing boards and commissions are guided by existing statutes to routinely consider the potential value of altering existing regulatory programs, including those for fish harvest, hatchery operation, land use, water quality, fill and removal, forest practices, and so on. The Oregon Legislature also has both the discretion and responsibility to routinely consider the potential need for changes to Oregon's policies and regulatory programs under its authority.

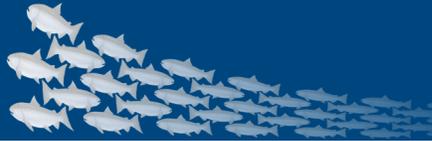
## 11. Are recovery plans voluntary or required?

Recovery plans are guidance and planning documents; they are not laws or regulations. Identification of an action in a recovery plan to be implemented by any public or private party does not create a legal obligation beyond existing legal requirements. Although the ESA requires NMFS to develop recovery plans, NMFS and the State rely, to a great extent, on local citizens and jurisdictions to voluntarily implement the actions the plan recommends. Our goal is that by working with stakeholders and potential implementers of recovery actions, we will obtain implementation commitments and improve the likelihood of successful recovery. In many cases, the plan acknowledges and recommends coordinating the pre-existing and ongoing efforts that contribute to recovery, including conservation plans, completed ESA Section 7 consultations and Section 10 permits, Total Maximum Daily Load Allocations and pre-existing laws or regulations that are expected to benefit the species and its environment.

## 12. Can this recovery plan force me to do things differently on my land?

A recovery plan in itself cannot force anyone to do anything. It is not regulatory. However, landowners may benefit from taking actions recommended in the plan, which may be eligible for the various federal and state incentive programs for land conservation. Having an approved recovery plan in place may help local groups or entities to obtain funding for





recovery actions. NMFS will work with interested parties to provide regulatory coverage, through ESA Section 7 consultations, Section 10 permits, or 4(d) rules for actions that are directed toward implementing a recovery plan. NMFS will also work with interested parties to develop non-regulatory assurances. Such assurances can take the form of NMFS' support for funding priorities, statements of NMFS' support for programs and actions, NMFS' acceptance of state or local-level recovery guidelines, and NMFS' inclusion of local planning efforts into ESA recovery plans.

### **13. Who makes the decision to delist?**

Under the ESA, the listing and delisting of marine species, including salmon, are the responsibility of NMFS. A species can be delisted when its viability has improved to the point that it is naturally self-sustaining and is no longer threatened with extinction. The delisting decision must be based on the best available science concerning the current status of the species and its prospects for long-term survival. Delisting criteria include not only biological criteria but also criteria that address the threats to a species, such as the inadequacy of existing regulatory programs or continued habitat degradation.

### **14. What is the relationship of NMFS' Recovery Plan to ESA Section 7 consultations and other types of regulatory decisions?**

NMFS' species-wide recovery plan provides important context and contains useful information that NMFS, Federal Action Agencies and permittees can use in Section 7 consultations and other regulatory decisions. At the same time, this plan draws upon NMFS' experience with species conservation gained in the course of Section 7 consultations and Section 10 permits. Recovery plans may incorporate actions from consultations and permits, such as the Willamette Project Biological Opinion, because those actions are likely to contribute to recovery. Because of the consultations and permits, those recovery actions are reasonably certain to occur and may provide a foundation for other actions called for by the recovery plan.

### **15. What is the difference between a Biological Opinion and a Recovery Plan?**

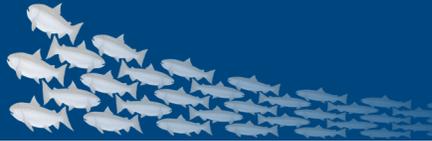
In a Biological Opinion, under ESA Section 7, NMFS describes specific actions that a Federal Action Agency must take to ensure that their activities are not likely to: 1) jeopardize the continued existence of listed species and that the species must be expected to survive; and, 2) result in the destruction or adverse modification of critical habitat, and that the designated critical habitat is likely to remain or become functional to serve the intended conservation role for the species in the near and long term. Actions required by a biological opinion are mandatory, pending feasibility and appropriation of funding. Recovery plans serve as a road map and include goals; measurable criteria for determining when species should be removed from the endangered species list; specific actions as may be necessary to achieve recovery; and estimates of cost and schedules for implementation of those actions. Implementation of recovery plans is voluntary.

### **16. What are some of the improvements called for in the Biological Opinion for operation of the Corps of Engineers' multipurpose dam projects in the Willamette Basin?**

Under the ESA, NMFS was required to issue a biological opinion on the operation of the Corps' Willamette Project facilities, including 13 dams and reservoirs, 42 miles of bank protection projects, and a hatchery mitigation program. The Biological Opinion identified the following major actions that will significantly help recover listed salmon and steelhead in the Willamette Basin:

- Reduce the impacts of altered water temperatures in the North Santiam by actively managing water releases from Detroit Dam and reservoir to benefit listed fish survival in 2009 and beyond;
- Achieve long-term temperature improvements at Detroit Dam through operational changes or structural modifications by 2018;
- Construct and operate downstream passage facilities to safely pass emigrating listed fish at Cougar Dam by 2014, at Lookout Point Dam by





2021 and at Detroit Dam by 2023; Reconstruct and operate adult fish collection facilities at various Willamette Project dams to facilitate safe collection and transport of listed fish for outplanting above the dams and for hatchery broodstock purposes;

- Reduce impacts of the hatchery program on ESA-listed fish;
- Provide adequate flows for various life stages of fish downstream of dams; and
- Improve habitat through habitat restoration projects.

There are still many uncertainties about the best way to get fish past the high-head dams on the Willamette and how well passage devices will work. Thus, the Biological Opinion does not prescribe specific structural modifications. The Action Agencies (the Corps, Bonneville Power Administration, and US Bureau of Reclamation) will evaluate different structural and operational approaches to fish passage at each of the dams through the Corps of Engineers' Willamette Configuration Operation Plan. If the information gathered confirms that the scheduled action, or some subset, will meet survival and recovery goals, the Action Agencies will proceed with implementation. If the information shows that an alternative action and/or operation is biologically justified, technically feasible, and would provide more cost-effective biological benefits, then the Action Agencies will implement the alternative action. In addition, the Action Agencies will conduct environmental analyses under the National Environmental Policy Act.

## 17. How long will it take to achieve recovery?

The time required to improve the status of a listed species to meet de-listing requirements or achieve broad sense recovery depends on the current status of the population and the nature of the environmental and/or management conditions that are limiting the recovery of the species. Realizing the benefit of some habitat restoration actions may take several decades or longer. Recovery plans often refer to time frames of decades (or more) to incrementally achieve full benefits to the listed species. It is estimated that some riparian habitat improvements will take up to 60 years to meet full restoration function and their contribution to desired status of some populations.

## 18. Does the recovery plan contain commitments for funding?

The recovery plan describes a reasonable set of science-based actions that are likely to recover and/or protect listed species. Any necessary funds will be made available subject to budgetary and other constraints affecting the parties involved, as well as the need to address other priorities.

Funding commitments will probably be feasible only for a subset of recommended management actions. Neither Oregon nor federal agencies can guarantee funding for all the actions recommended in recovery plans. However, recovery plans will provide a basis for funding requests by state and federal agencies and a justification for grants by various funding entities (e.g., the Oregon Watershed Enhancement Board, NMFS, private industry, non-governmental organizations, and so on).

The Columbia River Fish Mitigation (CRFM) Project is planned to be a primary source of funding to implement actions identified in the Willamette Biological Opinion. The CRFM Project was initiated in 1991 to address anadromous fish passage and survival issues at the eight Lower Columbia/Lower Snake dams and now includes the Willamette Project. Funding is through annual Congressional appropriations.

## 19. How can I obtain a copy of the draft Recovery Plan?

Download a copy of the draft Recovery plan when it is released on any of the following Salmon Recovery websites:

- <http://www.nwr.noaa.gov/Salmon-Recovery-Planning/Recovery-Domains/Willamette-Lower-Columbia/Will/Will-Plan.cfm>
- <http://oregonexplorer.info/willamette/WillametteRecoveryPlanning>
- [http://www.dfw.state.or.us/fish/CRP/upper\\_willamette\\_river\\_plan.asp](http://www.dfw.state.or.us/fish/CRP/upper_willamette_river_plan.asp)

