



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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February 14, 2003

Dr. Stan Gregory and Dr. William Pearcy, Co-Chairs
Independent Multidisciplinary Science Team
c/o Department of Forest Science
Oregon State University
Corvallis, Oregon 97331

SUBJECT: Response to Recommendation #20 in the "Lowlands Report"

Dear Drs. Gregory and Pearcy:

I am pleased to provide you with the Department of Land Conservation and Development's (DLCD's) response to one of the recommendations contained in the Independent Multidisciplinary Science Team's (IMST's) report on *Recovery of Wild Salmonids in Western Oregon Lowlands*. The recommendation is related to the implementation of Statewide Planning Goal 16-*Estuarine Resources*.

The statute that created the IMST specifies that if the IMST submits suggestions to an agency, "... the agency shall respond to the Team explaining how the agency intends to implement the suggestion or why the agency does not implement the suggestion." Agencies are to respond to suggestions within six months after a report is issued. The "Lowlands Report" was delivered to the department on August 19, 2002.

Recommendation 20 in the *Recovery of Wild Salmonids in Western Oregon Lowlands* is:

[The] Department of Land Conservation and Development (DLCD), in conjunction with Oregon Department of Fish and Wildlife (ODFW), should improve and protect salmonid habitat in Oregon's estuaries.

The goal of this recommendation is to protect and restore the structure and function of important estuary habitats used by salmonids during rearing and migration. Steps to achieve this recommendation might include:

- Surveying estuaries to assess changes from historical conditions;
- Devising goals and guidelines based on current understanding of aquatic habitats and salmonid habitat needs; and,
- Develop explicit plans for estuarine habitat protection and restoration in cooperation with state agencies, local governments, and watershed councils.

How We Intend to Implement This Recommendation:

In broad, general terms, Recommendation 20 neatly encapsulates the process of developing and implementing Statewide Planning Goal 16-*Estuarine Resources*, which occurred roughly from the

mid-1970s through the mid-1980s. Estuary management plans developed according to Oregon Administrative Rules and Goal 16 are still in place today, and still govern uses and activities in Oregon's estuaries. Thus, we believe that Recommendation 20 has already been largely implemented, *except for the specific emphasis on salmonid habitat needs, and for the development of explicit restoration plans.* Implementation of these two components is discussed below.

Salmonid Habitat: Our understanding of salmonid utilization of estuaries has grown greatly in the past several years. It appears that utilization for rearing is greatest in the kinds of areas protected as "Natural" management units in estuary management plans. Goal 16 requires that "all major tracts of salt marsh, tide flats, and sea grass and algae beds" be protected by Natural management units. Activities permitted in Natural management units are restricted to those that will not affect the long-term biological productivity of the area or estuary. "Conservation" management units, which permit somewhat more intensive uses, are also used to conserve estuarine resources and benefits. In all, 93.6 percent of all estuarine area in the state has been placed in Natural and Conservation management units. More importantly, 98.3 percent of all intertidal areas have been placed in Natural and Conservation management units. So while Goal 16 was not specifically developed with an emphasis on salmonid habitat needs, implementation of the Goal has resulted in the kind of protection that appears to be contemplated by the IMST recommendation. Therefore, we do not believe that changes to Oregon's estuary management framework or to local estuary management plans are warranted.

We will continue to monitor developments in estuarine research to ensure that Goal 16 continues to protect estuarine areas that are important in salmonid life cycles.

Restoration Plans: Explicit restoration plans have not yet been developed for Oregon's estuaries in part because the resource management community lacks a clear methodology for developing such plans. Oregon Watershed Enhancement Board (OWEB) is currently managing a project to develop an estuary restoration assessment methodology for use by watershed councils. We expect that the results of that project will fit nicely within Oregon's estuarine resources planning framework, and we anticipate that its use could result in amendments to some estuary management plans to include a restoration element. Once a methodology is developed, the Oregon Coastal Program, which is managed by DLCD, will be able to use federal coastal management funds to pass through to local governments that may want to identify estuary restoration opportunities.

Goal 16 does not require that restoration plans be developed for Oregon's estuaries, but restoration activities are clearly authorized and encouraged by the goal. The types of restoration projects described in the report are clearly permissible under Goal 16. Moreover, the goal specifically directs state and federal agencies to "assist local government in identifying areas for restoration." In recent years, DLCD has assisted in the development of a "Coastal Atlas," which is a web-based coastal resource information system. The atlas will have a restoration element. The restoration element could include information on diked former tidelands and other features that might be candidates for restoration of estuarine functions.

We will continue to monitor estuarine and salmonid research results, and to consult with ODFW and others, to determine if changes to Goal 16 are needed to provide greater opportunities for restoration planning.

Goal 16 and Mapping Estuaries: Estuary protection has been a fundamental part of Oregon's Statewide Planning Program since 1975, when the Land Conservation and Development Commission (LCDC) adopted planning goals for four types of coastal resources. Goal 16-*Estuarine Resources*

constitutes Oregon's foundation and framework for protecting estuarine areas and resources. Goal 17-*Coastal Shorelands* lays out the planning requirements for lands adjacent to estuaries. As a result of Goal 16 (and OAR Chapter 660 Division 17, which establishes a classification system for estuaries), all of Oregon's major estuaries are subject to locally-adopted estuary management plans that have been approved by LCDC. As noted above, these plans explicitly protect important estuarine habitats and areas from alteration and development. The conversion and destruction of estuarine areas that occurred throughout Oregon's history, and which continued into the early 1970s, was halted by Goal 16. Yet at the same time, Goal 16 continues to provide for economic activities that are important to Oregon's coastal communities.

In recent years, we have become aware of scientific studies that confirm the important role estuaries play in some phases of the salmonid life cycle. In order for that information to be useful within the framework of Goal 16, we need to know *which* habitats and functions are important during estuarine life history phases. But more importantly, we need to know *where* in Oregon's estuaries such habitats are located. Surveying and mapping of estuarine habitats is expensive; the last time estuarine habitats were methodically mapped was in the mid-1970s. Habitat "units"—which are the foundation for designating Natural, Conservation, and Development management units (which function like zoning on land)—may have shifted or changed since then. The department has tried to get state resources to re-map estuarine habitats identified as "important to the restoration of salmonids," but we have not succeeded. We continue to monitor federal initiatives that could eventually result in securing funds to re-map the estuaries.

Further improvements to Oregon's estuary management framework—including explicit restoration plans—will require new data and information, and money to integrate the new information into local estuary management plans.

Implementing the Recommendation: Even though our present knowledge base is limited, the limitations will diminish over time as a result of the continued close collaboration among the Oregon Coastal Management Program (in DLCD), ODFW, National Marine Fisheries Service (NMFS), and the U.S. Fish and Wildlife Service. And despite these limitations, there are several things that DLCD and the Oregon Coastal Management Program have done, and will continue to do, to implement the IMST's recommendation:

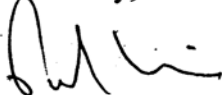
- ODFW surveyed the habitats in all of the major estuaries in the state in the mid- to late-1970s. Those surveys provided the foundation for the estuary management plans, developed according to Statewide Planning Goal 16, that govern estuarine uses and activities today.
- Oregon's comprehensive planning program primarily *protects* estuarine habitats from future alterations due to certain kinds of development. Restoration is clearly provided for in Goal 16, and some of the approved estuary management plans already identify restoration opportunities. Further development of explicit restoration plans will rely on the development of a methodology to identify and assess restoration opportunities. We support OWEB's development of an estuarine component for the watershed assessment manual, which should eventually result in the development of restoration components for estuary management plans.
- We will continue to monitor estuarine and salmonid research results, and to consult with ODFW and others, to determine if changes to Goal 16 are needed to provide greater habitat protection and/or opportunities for restoration planning.

- DLCD and the Oregon Coastal Management Program can work with ODFW, NMFS, and others to secure funding to re-survey estuaries and to identify estuarine habitats and functions that are important for salmonids. When such information becomes available, we will review how such habitats and functions are treated under Goal 16, and will report our findings to the Land Conservation and Development Commission (as called for in Executive Order 99-01). We will also distribute that information to local coastal managers and planners to use in revising estuary management plans.
- Once an estuary assessment methodology is published, DLCD and the Oregon Coastal Management Program will include restoration planning as a coastal management program priority, thus allowing us to federal coastal management funds for grants to local governments to complete such plans.
- DLCD and the Oregon Coastal Management Program will participate in national initiatives to foster restoration and acquisition of important estuarine areas. These initiatives include the National Estuarine Restoration Strategy (see the Estuary Restoration Act of 2000 in PL 106-457, and the final *Estuary Habitat Restoration Strategy* published in 67 FR 71942, December 3, 2002) and NOAA's new Coastal and Estuarine Land Conservation Program (availability of draft guidance published in 67 FR 64874, October 22, 2002).

In closing, we should note that the IMST's recommendation in part echoes Section 3(o) of Executive Order 99-01, which was directed at DLCD: "DLCD, with the assistance of DSL and ODFW, and in consultation with coastal cities and counties, shall review the requirements of Statewide Planning Goal 16 as they pertain to estuarine resources important to the restoration of salmonids, and shall report its findings to LCDC for its consideration." Last October, the department reported to the Governor that this task is incomplete. We anticipate working with ODFW, NMFS, and others to review Goal 16 this year, and to report our conclusions to LCDC in late 2003 or early 2004. We also noted, as we did above, that funding is needed to re-survey and re-map Oregon's estuarine habitats.

You probably recall that DLCD's staff for the Oregon Plan for Salmon and Watersheds is Jeffrey Weber. If you need to discuss the Team's recommendation or Goal 16 further, please feel free to call him at (503)731-4065 x26 or email to jeff.weber@state.or.us.

Sincerely,



Paul Curcio
Director

Cc: Bruce McIntosh, ODFW

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**INDEPENDENT
MULTIDISCIPLINARY
SCIENCE TEAM
(IMST)**



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August 27, 2003

Paul Curcio, Director
Dept of Land Conservation and Development
635 Capitol St. Suite 150
Salem, OR 97301-2540

Dear Paul,

The Independent Multidisciplinary Science Team has reviewed DLCD's response to recommendations (letter dated March February 14, 2003) made in our Technical Report 2002-1 entitled *Recovery of Wild Salmonids in Western Oregon Lowlands*. Our review is enclosed with this letter.

In general, the Team found that DLCD's responses were positive and hope our review of your responses will aid DLCD as the agency develops their program under the Oregon Plan. Within the attached evaluation we have summarized your responses. In some instances we thought that the answers did not address our specific recommendations. Please let us know if the IMST can be of assistance in clarifying any of these issues in the future.

At a point in the near future, we will be assembling agency responses and our evaluations of responses to these reports and others in an Administrative Report which will be sent to the Governor, Senate President, Speaker of the House, Subcommittee for Salmon Recovery and Stream Restoration, and Jim Myron, Oregon Plan Manager. We would be happy to discuss the evaluations with you and to include any clarifications or updated information in the upcoming Administrative Report.

Four general categories were used to evaluate responses: adequate, intermediate, inadequate, and indeterminate.

- Adequate means that the IMST supports the decision of the agency
- Intermediate means that the IMST does not fully support the agency decision because the decision will decrease the likelihood of accomplishing the goals of the Oregon Plan in a timely manner, but not doom it to failure. We note our concerns but stop short of suggesting that the recommendation to be reconsidered.
- Inadequate means that the IMST feels the decision by the agency will seriously detract from achieving the goals of the Oregon Plan, and the IMST strongly suggest that the decision be reconsidered.
- Indeterminate means that we can not tell what the agency decided to do with the recommendation or that we do not have enough information to fully evaluate their response.


August 27, 2003

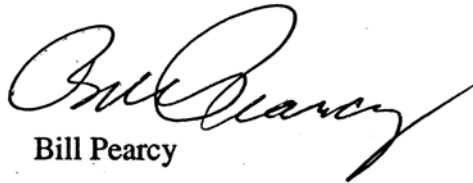
Paul Curcio

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If you would like to have further discussion on these recommendations and how the IMST evaluated your responses, you or your representative are welcome to meet with us at one of our upcoming meetings. If you would like to schedule time at a meeting please contact Kathy Maas-Hebner at 541-737-6105 and she will schedule time for your agency. The Team has found this type of interaction with individual agencies to be invaluable to our work and that of the agency.

Sincerely,


Stan Gregory *with*
Co-Chairs, IMST


Bill Pearcy

encl.

cc with encl:

Jeff Weber, DLCD

Jim Brown, GNRO

Jim Myron, GNRO

IMST

**IMST's Evaluation of DLCD's response to recommendations made in:
Recovery of Wild Salmonids in Western Oregon Lowlands
Technical Report 2002-1**

Recommendation 20. The Department of Land Conservation and Development (DLCD), in conjunction with Oregon Department of Fish and Wildlife (ODFW), should improve and protect salmonid habitat in Oregon's estuaries.

DLCD Response: DLCD state that this recommendation encapsulates their process of developing and implementing Statewide Planning Goal 16 – Estuarine Resources which occurred during the late 1970's through the mid-1980's. Estuary management plans developed according to OARs and Goal 16 are still in place today and governs the uses and activities in Oregon's estuaries. The agency believes that this recommendation has already been largely implemented, except for the emphasis on salmonid habitat needs, and for the development of explicit restoration plans. The agency discussed the implementation of these two components in detail in their letter which was taken into consideration during our evaluation.

ODFW Response: ODFW completed habitat mapping for DLCD for all of Oregon's estuaries in the late 1970's and notes that they need to be updated to reflect current conditions. ODFW also worked with DLCD and counties to develop original estuarine management plans which should be updated through DLCD's periodic review process. ODFW will participate in upcoming county and city updates of estuary plans. ODFW has also started to meet with DLCD staff to determine how Goal 16 can be strengthened to better address salmonids but ODFW has limited funds.

IMST Conclusions: Adequate. The work previously done by DLCD and ODFW is a critical step in meeting this recommendation. Information on salmonid habitat requirements and use of estuaries has increased substantially since the original plans were written. The use of some estuaries may have shifted in the same time period (e.g., change in the amount and type of commercial shipping use, change in dredging frequency, land development surrounding estuaries etc.) therefore we endorse and encourage the agencies efforts to re-survey Oregon's estuaries and to identify habitats important for salmonids. Both agencies should continue to collaborate to determine how best to address salmonid needs in revised management plans and to develop recovery plans.