# Agenda Item Summary

## BACKGROUND

The Fish and Wildlife Commission (Commission) was given a briefing on the public review draft of the *Conservation and Recovery Plan for Oregon Steelhead Populations in the Middle Columbia River Steelhead Distinct Population Segment* (Oregon Mid-C Plan) at its November 14, 2008 meeting. At that meeting the Commission was given copies of all public comments that had been received by the Oregon Department of Fish and Wildlife (department) on the public draft and heard testimony on the draft plan. The Oregon Mid-C Plan serves a dual purpose as a component of the Federal *Middle Columbia River Steelhead Distinct Population Segment ESA Recovery Plan* (Federal Mid-C Plan) and a State of Oregon Conservation Plan consistent with requirement of Oregon's Native Fish Conservation Policy (NFCP). At the time the Commission was briefed, the Oregon Mid-C Plan was also under public review in the Federal Endangered Species Act (ESA) Recovery Plan adoption process as a component of the Federal Mid-C Plan. The National Oceanic and Atmospheric Administration (NOAA) formally adopted the Federal Mid-C Plan, including the Oregon Mid-C Plan, on September 30, 2009.

The Oregon Mid-C Plan was modified following extensive review by agencies, tribes, environmental organizations, landowners, interested public and stakeholders. The revisions made to the plan consisted primarily of additions and enhancements to existing sections in the plan. The major additions to the Oregon Mid-C Plan included:

- A description of potential climate change impacts and development of a potential climate change vulnerability index for Oregon's Mid-C Steelhead (Section 8).
- Modified and enhanced discussion of forest health and potential forest health restoration approaches and risks (Section 8).
- A complete description of limiting factors and threats (Section 8), tributary habitat protection and restoration actions (Section 9), and hatchery reintroduction plans (Section 9) for the extinct Crooked River population.
- Addressing consistency between Oregon Mid-C Plan proposed hatchery management actions and the Hatchery Scientific Review Group recommendations (Section 9).
- Additional maps for each population showing high priority tributary habitat protection and restoration focus areas as well as areas currently in protected status (Section 10).
- A revised and fully developed Implementation and Adaptive Management Plan.

The final draft of the Oregon Mid-C Plan (Attachments 4 and 5) is being presented at February 5, 2010 Commission meeting for review and adoption. Administrative rules to implement the Oregon Mid-C Plan (Attachment 3) will be formally adopted by the Commission.

## PUBLIC INVOLVEMENT

**Plan Development**

The Oregon Mid-C Plan is a product of an extensive collaborative effort that began in October 2005. The department facilitated and led the plan's development through a process with broad technical, stakeholder and public involvement. Oregon's recovery planning forums included the Middle Columbia Sounding Board, the Mid-Columbia Recovery Planning Team and Management Action Teams. The Plan also incorporated findings from other technical groups including the Interior Columbia Basin Technical Recovery Team (ICTRT) and the Oregon Expert Panel. Oregon also participated extensively in the Middle Columbia Recovery Planning Forum, a bi-state, tri-tribe group which provided guidance and oversight to National Marine Fisheries Science (NMFS) in the development of the Federal Mid-C Plan. In all, over 125 people contributed to development of the plan.

- *Middle Columbia Sounding Board (MCSB).* The MCSB consisted of representatives of local communities, agricultural and timber interests, land managers, governing bodies, tribes, and industry and environmental interests. The MCSB provided policy guidance in the development of all aspects of the plan and ensured selection of locally appropriate and locally supported recovery actions needed to achieve species recovery goals. The board met eighteen times during the plan development process.

- *Mid-Columbia Recovery Planning Team.* The recovery planning team included state, federal, tribal, and watershed council technical representatives across the Distinct Population Segment (DPS). The team provided technical guidance and writing for all aspects of the plan.

- *Management Action Teams.* The three management action teams included local experts representing state and federal natural resource agencies, the tribes, watershed councils and Portland General Electric. The teams developed management actions for all steelhead populations.

- *Interior Columbia Technical Recovery Team (ICTRT).* The ICTRT, appointed by NMFS, provided geographic and species expertise for the entire Interior Columbia domain. The team includes biologists from NMFS, state, tribal and local entities, academic institutions, and private consulting firms. The ICTRT played an important role developing Evolutionary Significant Unit (ESU)/DPS and population viability criteria, as well as, viability assessments that were used in the Oregon Mid-C Plan.

- *Oregon Mid-C Expert Panel.* The Expert Panel was created by the department for purposes of recovery planning and consisted of biologists with significant knowledge of the limiting factors and threats influencing Oregon's listed Mid-C steelhead populations. Panelists identified common key and secondary threat themes and limiting factors.

- *Middle Columbia Recovery Planning Forum.* The Middle Columbia Recovery Planning Forum (Mid-C Forum) is a bi-state, tri-tribe group convened by NMFS, many of whose members led the preparation of the management unit plans. The Mid-C Forum contributed substance as well as scientific and critical review to the DPS plan.

**Plan Review/Adoption**

The Oregon Mid-C Plan underwent an extensive public review process. A summary of the public review process is presented in Attachment 6. The Federal 90-day public review process concluded on December 23, 2008. The department worked closely with NOAA to formally respond to public comments received during the Federal review process. Responses from NOAA and the department to general and specific comments relevant to the Oregon Mid-C Plan are presented in Attachment 7.

## ISSUE 1 — ADOPT THE KEY PRINCIPLES AND ADMINISTRATIVE RULES SPECIFIC TO IMPLEMENTATION OF THE OREGON MID-C PLAN

## ANALYSIS

Department staff and other agencies have revised the draft Oregon Mid-C Plan to better address issues raised by the public review process. The revisions seek to clarify the intent of the Plan without changing any of the elements in the Plan. The proposed rules (Attachment 3) were developed to guide implementation of the Oregon Mid-C Plan by the department and to ensure consistency with the NFCP.

The Oregon Mid-C Plan is the State of Oregon's plan and contains commitments by all state natural resource agencies. The Commission is being asked to adopt the principles outlined in the State Conservation and Recovery Plan, and to adopt Administrative Rules that establish the policy basis of the Plan and fulfill the requirements of the NFCP.

## OPTIONS

1. Adopt key principles of the Oregon Mid-C Plan for the State of Oregon and the Oregon Administrative Rules related to the department's implementation of the plan as proposed by staff.

2. Modify key principles of the Oregon Mid-C Plan for the State of Oregon and the Oregon Administrative Rules related to the department's implementation of the plan.

3. Reject the Oregon Mid-C Plan for the State of Oregon and the Oregon Administrative Rules related to the department's implementation of the plan.

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| **STAFF RECOMMENDATION** | Option 1. |

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| **DRAFT MOTION** | I move to adopt the principles and the Oregon Administrative Rules for the Conservation and Recovery Plan for Oregon Steelhead Populations in the Middle Columbia River Steelhead Distinct Population Segment as shown in Attachment 3 related to the department's commitments in said plan. |
| **EFFECTIVE DATE** | Upon filing. |