

Letter from Commissioner Erik Sten
Endangered Species Program Manager
City of Portland, Oregon

6 March, 2000

Garth Griffin
Protected Resources Division,
National Marine Fisheries Service
525 NE Oregon Street, Suite 500
Portland, Oregon.

Thank you for the opportunity to comment on the National Marine Fisheries Service's (NMFS) proposed 4(d) rules for lower Columbia steelhead trout and Chinook Salmon. The [City of Portland's comments](#) are directed at both rules.

Prior to the draft 4(d) rules being released, Portland began to develop its program to improve the habitat conditions for fish in our geographic area. The Portland City Council took a strong position from the time of the first listing that the City would actively do our share and assist in fish recovery. Immediately, the City of Portland established a process and organizational structure to respond to the listing. Much of this work has been to evaluate current programs and activities for their impact on fish and fish habitat and to develop and implement work plans that will reduce negative impacts and improve conditions.

We appreciate NMFS providing an array of options for jurisdictions to participate in fish recovery. Developing a locally-defined plan that promotes properly functioning conditions for fish is the most viable option for the Portland community. We appreciate the standards laid out in the rule and believe we can assist with fish recovery by evaluating fish habitat conditions in our city on a landscape scale and then applying a variety of techniques as they best suit local circumstances.

The City of Portland intends to submit a locally-defined plan to you, consisting of several different elements. We will base the plan on science and include within it the incentives we need to restore habitat. Our approach will undoubtedly not apply the identical approach on each parcel of land, but instead will focus on how the fish use, or need to use, a particular stretch of the river or stream and customize our approach based on that information. We will build our framework so that it can be fit into regional and state plans such as one that may come of the Willamette Restoration Initiative.

We will provide increased protection in some areas and restoration in other areas. From a geographic perspective, our efforts will focus on 3 geographic areas: the mainstem Willamette, the tributary streams into the mainstem Willamette, and the Sandy River Watershed, where Portland's primary water source is located. Our upland approach will take form in our programs that address, for example, stormwater and erosion control.

While it is presently unclear what specific regulatory tools (Habitat Conservation Plan, 4(d), or Section 7) we will use to package our Endangered Species Act response, we are proposing that our approach generally track the following vision.

The Mainstem Willamette

We will develop an ESA comprehensive framework plan for the entire stretch of the Willamette and Columbia that are within our jurisdiction. However, we anticipate that we will be able to coordinate this framework so that it is part of a regional and state response as well. Our approach will be to take a landscape view of the opportunities to improve conditions for ESA-listed fish. While we believe applying uniform restoration standards in this highly developed section of the river is not realistic, we know we can make substantial contributions to recovery if we focus on the larger geographic area and customize our approach to better fit local conditions and available incentives.

The plan will package together significant City programs that contribute to improving Willamette River conditions including the Clean River Plan, the Combined Sewer Overflow Program, the Portland Harbor Cleanup, Goal 5-related improvements to our land use planning program, and the Willamette River Greenway Plan. Through these processes we will evaluate opportunities to improve bank conditions, restore and protect riparian areas associated with the river, reduce pollution runoff and sewage spills, and address severely contaminated areas.

Through additional City efforts we will identify connections to, and condition of, off channel fish habitats such as, Smith and Bybee Lakes, Oaks Bottom, and tributary streams and sloughs. We will conserve and restore those that offer the best chance to assist with fish recovery.

In June 1999, jointly with NMFS, the City of Portland sponsored a State of the Science workshop with leading regional fish biologists and other scientists. The purpose of the workshop was to establish baseline information about how salmon and steelhead use large low-gradient streams such as the lower Willamette River and to identify indicators of stream health. As you know, the workshop results indicated that fish use the Willamette for migration, including resting of adults as they return from the ocean as well as for juvenile rearing. The extent and specifics of the rearing in the mainstem is still unclear. The group agreed, however, that out-migrating juveniles definitely use the habitat along the shores of the mainstem Willamette to rest and rear. We will invest substantial resources into continuing this research to better understand how the ESA-listed fish use the mainstem Willamette River habitat and will use the resulting scientific information to improve our strategic plan.

Portland Tributaries

We are still gathering information as to how the salmon and steelhead use the smaller streams in our City. Preliminary data indicates that the fish spend more time in some of these streams, particularly Johnson Creek and perhaps Tryon Creek, than in the mainstem Willamette River. Our approach in these tributaries would be to provide greater riparian protection through environmental zoning, restoration and culvert removal in key places, as well as continued implementation of important programs such as the Johnson Creek Floodplain Management Plan.

Upland Activities

In terms of the impact of activities in upland areas, the City will rely on a review of its current programs including

stormwater, erosion control, infrastructure maintenance activities, and park and city land maintenance. We will complete biological assessments and make program changes to ensure that we employ best management practices for fish as we meet our other City objectives.

Sandy River Watershed

We have completed a number of technical investigations and have established strong working relationships with public and private partners to ascertain the challenges and opportunities that face the Sandy River Watershed. About one-quarter of all Oregonians receive drinking water supply from the Bull Run, which is located in the Sandy River Watershed. Affirming our long-term access to the Bull Run water supply is critical for Portland. To do so, we are committed to working collaboratively with NMFS to assess our compliance options, prioritize the measures that will make the most important contributions to recovery, and then make the necessary long-term restoration commitments.

Conclusion

The implementation of this strategy will make a valuable contribution to recovery in the Willamette and Lower Columbia ESUs. We have discussed this proposed conceptual framework with a number of key stakeholders in our City and, as indicated by their attached letters of support, they have committed to help develop this conceptual framework into a strategic plan.

We are committed to develop this strategic plan and intend to have a detailed workplan completed by June. We anticipate continued development of our partnership with NMFS in this process. We believe that this approach is fully consistent with your 4(d) rules and agency policies and **we specific language that acknowledges this planning process in the preamble of the final rule 4(d) rule**. Only after you can assure us that we are going down the right path, can we expect to gather resources and partners to make this plan a reality.

Thank you for your time and for your thoughtful consideration of our ESA conceptual strategy and our comments on the draft 4(d) rule. If you have questions or comments, please contact me.

Sincerely,

Erik Sten

c. Will Stelle, Regional Administrator, NMFS
Portland City Council
Governor John Kitzhaber
Senator Ron Wyden
Senator Gordon Smith
Representative Earl Blumenauer
Representative David Wu