



*Everywhere
Central Oregon
Works*

September 18, 2007

TO: Cities and Counties of Central Oregon

FR: Scott Cooper, Crook County Judge;
Phil Chang, Central Oregon Intergovernmental Council Program Administrator

RE: Central Oregon Anadromous Fish Reintroduction Coordinating Council

Dear Friends:

Most of Central Oregon's cities and counties have now participated in one of the two meetings conducted to discuss the potential of forming a regional organization to address the challenges of managing liability associated with reintroduction of the steelhead into the upper Deschutes River and its tributaries. The general consensus seems to be that we are better off approaching this regionally than we are individually.

A regional approach does not foreclose any local action on the part of any jurisdiction. Rather, we are hoping that by working regionally as well as locally, we can:

- share best practices,
- reduce time and expense,
- manage risk and liability,
- eliminate duplication of efforts,
- leverage grants, and
- manage the reintroduction of the steelhead and other anadromous fish to our waterways in a manner that protects our communities and our constituent landowners from adverse impact.

A draft concept paper which was discussed extensively at the last meeting is attached to this letter. In addition, an important paper regarding the impacts to cities and counties of anadromous fish reintroduction effort is also enclosed.

Please consider taking to your council, commission or court a request to participate as a full partner in the Central Oregon Anadromous Fish Reintroduction Coordinating Council. If your jurisdiction is willing to participate, please sign and return the form attached to Phil Chang at Central Oregon Intergovernmental Council.

We hope to have an organizational meeting of the council within 30 days or when a critical mass of participating Central Oregon counties and cities is obtained.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott R. Cooper". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Scott R. Cooper
Crook County Judge

A handwritten signature in black ink, appearing to read "Phil Chang". The signature is cursive, with a long, sweeping horizontal stroke at the end.

Phil Chang
Central Oregon Intergovernmental Council

Encl: Glenn Klein paper

_____ Yes, my jurisdiction wishes to participate as members of the Central Oregon Anadromous Fish Reintroduction Coordinating Council. Please advise us of future meetings. Our representatives to the council will be:

Elected representative: _____

Elected representative alternate: _____

Technical staff representative: _____

Technical staff alternate: _____

_____ No, my jurisdiction is not interested in participating.

Updated September 18, 2007

**Benefits to participating in a
Central Oregon Anadromous Fish Reintroduction Coordinating Council:**

- Ensure representation of city-county interests as reintroduction of steelhead, bull trout and other anadromous fish continues
- Share expenses of protecting our common interests; access grant resources help us transition and manage risk
- Collaborate among interested parties to reduce/avoid socio-economic and environmental conflict
- Share information and best practices.
- Limit time expended by local governments managing this issue.
- Create a forum for interacting with multiple agencies governing reintroduction issues.
- Limit liability of local government and local officials for incidental takings
- Limit impacts on constituent landowners.
- Preserve important mechanisms essential for community advancement
- Help ensure the success of the reintroduction effort.

Proposed representation, staffing, meetings, communications

It is proposed that the council consist of one elected representative from each participating jurisdiction and one technical expert from each jurisdiction, plus a member and alternate from the Deschutes Basin Board of Control. A model is provided by the regional stormwater management group, which has a proven record of collaboration, the technical expertise to evaluate impacts and a vested interest in ensuring that the work of the stormwater management group is not undone. Staffing (agenda preparation, meeting coordination, correspondence, etc.) would be provided by COIC, with funds to be provided out of the city-county contributions, with outside expertise to address policy/science questions contracted as needed. Meetings would be quarterly or more often as needed. Most meetings would be in Redmond. Interim communication with council members, elected officials and others would be the responsibility of COIC acting under the direction of the Council. The Council would coordinate communication with the Board of Control in an attempt to keep messages consistent.

Proposed funding mechanism:

Some funding would be required. The funding would pay administrative expenses of the Council, provide match for grant applications benefiting member jurisdictions and potentially help offset board of control expenses. All expenditures would be subject to appropriation by the Council. *All participants will also be asked to document in-kind contributions in order to provide local match for applications for federal and state assistance.*

Proposed funding strategy (subject to Council adoption):

Permittees:

(Believed to be Prineville and possibly Sisters. Each permittee gets a voting seat at the table to negotiate Habitat Conservation Plan.)

\$5,000 annually, not to exceed five years, plus pro-rata contribution to cost of science and other expenses related to HCP management

Non-Permittees

(The Council will need to determine if cities and counties want to participate in the proposed HCP. If the Council determines this is a desirable strategy, then there would be two assigned ex-officio, non-voting seats at the HCP table: one for counties and one for cities.)

Counties

\$5000 annually, not to exceed five years

Large cities (2501 population or more)

\$2500 annually, not to exceed five years

Small cities (2500 population and less)

\$500 annually, not to exceed five years

What you get if you choose to participate:

- Analysis of what local government activities affect steelhead and their habitat and might put cities and counties at risk of Endangered Species Act enforcement actions or third party lawsuits.
- If the group is successful in negotiating a 10(j) listing, counties, cities, irrigation districts, private landowners and all other users in the basin gain immediate exemption from liability for incidental takings.
- A 10(j) listing, if achieved, would be the first granted in the United States in the history of the Endangered Species Act.
- Early and often consultation and collaboration among FERC permittees (tribes and PGE), environmental groups, cities, counties and agencies would be in marked contrast to the “melt down” experience by the Klamath Basin when it failed to address the pending arrival of an endangered fish to the detriment of local communities and local economies.
- The collaborative approach saves time. The Council can provide a common vehicle for pursuing participation in a Habitat Conservation Plan covering the entire basin or in implementing 4(d) strategies intended to reduce liability.
- The collaborative approach saves money. To date, the irrigation districts have spent \$110,000 on the preliminary phases of managing steelhead reintroduction. Estimated expense of negotiating an HCP could be as much as \$500,000 annually. By working collaboratively, counties, cities and districts have access to federal funding to offset mitigation costs and the costs of participating in risk-management efforts, such as the HCP.
- The collaborative approach gives all parties access to the same information at the same time. By using common attorneys and consultants, cities and counties gain access to some of the best minds in the field on this issue. We hear the same thing as others hear and can make decisions using information obtained from specialists with expertise not likely to be available through general practitioners like county counsel or city attorney.