

OREGON DEPARTMENT OF FISH AND WILDLIFE

State Agency Coordination



For certification by the
Oregon Land Conservation and Development Commission

1990

Oregon Department of Fish and Wildlife
Habitat Conservation Division
2501 S.W. First Avenue
P.O. Box 59
Portland, Oregon 97207



Department of Fish and Wildlife

P.O. BOX 59, PORTLAND, OREGON 97207

March 1, 1990

Ms. Susan Brody, Director
Department of Land Conservation
and Development
1175 Court Street NE
Salem, OR 97310-0590

Dear Susan:

In accordance with ORS 197.180 and OAR Chapter 660, Divisions 30 and 31, the Oregon Department of Fish and Wildlife (Department) hereby submits its State Agency Coordination (SAC) Program for certification by the Land Conservation and Development Commission. The Department's SAC Program consists of two elements: (1) administrative rules to assure compliance and compatibility, and (2) the program text. Submitted with the SAC Program are supporting documents and the Department's Land Use Planning Guide.

The Department's SAC Program was developed through close coordination between the Department and the Department of Land Conservation and Development. The effort has had positive results both within and outside the Department. This has been the most thorough evaluation of Department programs and activities since 1977, and it will result in a more efficient and predictable land use decision-making process.

It is the intent of the Department to cooperate with and provide technical assistance to local governments to the extent possible within our statutory limitations and as availability and resources permit. We acknowledge that all

OREGON DEPARTMENT OF FISH AND WILDLIFE
STATE AGENCY COORDINATION PROGRAM

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OREGON DEPARTMENT OF FISH AND WILDLIFE
STATE AGENCY COORDINATION PROGRAM

TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
	Executive Summary.....	iii
I.	Background.....	1
II.	Introduction.....	4
III.	Department Rules and Programs.....	6
IV.	Department "Land Use Programs".....	17
V.	Department Program to Assure Compliance with the Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans and Land Use Regulations.....	25
VI.	Department Program to Coordinate with DLCD, Federal, and Other State Agencies, and Special Districts.....	28
VII.	Department Program for Cooperation and Technical Assistance to Local Governments.....	30
VIII.	Appendices.....	34

EXECUTIVE SUMMARY

ORS 197.180 and OAR Chapter 660, Divisions 30 and 31, require state agencies to prepare a coordination program to assure that agency programs and actions affecting land use comply with the statewide planning goals and are compatible with acknowledged comprehensive plans and land use regulations. State Agency Coordination (SAC) programs must describe agency rules and programs, evaluate agency rules and programs affecting land use, and provide for coordination and technical assistance to other state and federal agencies and local governments, as well as assure compliance and compatibility.

The Department of Fish and Wildlife (Department) viewed the requirement to develop a SAC program not as a mere exercise, but as an opportunity to organize and examine agency programs and improve cooperation with other state and federal agencies as well as cities and counties. To assess Department programs and actions reasonably expected to have significant effects on land use, the agency developed a set of criteria with the assistance of Department of Land Conservation and Development (DLCD) staff. The filtering process was a two-step operation that tested over 180 Department programs and activities against the significant land use effect criteria, then more closely examined the 34 programs initially designated as affecting land use.

With the close cooperation of the DLCD staff and representative local planners, the Department determined the following programs and actions affect land use as that term is defined in OAR Chapter 660, Division 30:

- * Issuing permits for private salmon hatcheries
- * Issuing permits for in-water explosives or harmful substances
- * Development of new, or improvement or expansion of existing Department facilities
- * Feeding wildlife during the winter on private or non-federal public lands
- * Department programs and actions subject to Statewide Planning Goal 19 (Ocean Resources).

The Department's SAC Program approved by the Fish and Wildlife Commission and submitted to the Land Conservation and Development Commission for certification consists of two elements: administrative rules to assure compatibility and compliance (OAR Chapter 635, Division 405, and OAR 635-40-

009(4) - (5)), and the SAC Program document. The general SAC administrative rule (OAR Chapter 635, Division 405) contains definitions of fish and wildlife habitats (e.g., big game range, bird habitat sites, etc.), which is a significant step toward the protection of these valuable lands. The rule also establishes the Department's dispute resolution procedures. The SAC Program document details the coordination procedures to which the Department will adhere to assure goal compliance and compatibility with acknowledged plans and land use regulations. Submitted with the Department's SAC Program are supporting documents and the Department's Land Use Planning Guide. The Land Use Planning Guide instructs Department personnel in day-to-day land use coordination activities with local governments, as well as participation in Periodic Review, plan amendments, and plan implementation. The Department views its SAC Program and the Land Use Planning Guide as working documents that will guide its present and future involvement with local governments in land use issues.

SECTION I.

Background

A. Purpose

Oregon Revised Statute (ORS) 197.180 requires each state agency to prepare a coordination program for review and certification by the state Land Conservation and Development Commission (LCDC). The purpose of State Agency Coordination (SAC) programs is to assure that state agency rules and programs which affect land use comply with the statewide planning goals and are compatible with acknowledged city and county comprehensive plans and land use regulations.

ORS 197.180 is implemented by Oregon Administrative Rule (OAR) Chapter 660, Divisions 30 and 31, which define and explain the requirements a state agency must address in its SAC program:

- Agency rules and programs must be described
- An evaluation must be made to identify agency "rules and programs affecting land use," as that phrase is defined in OAR 660-30-005(2). Rules and programs found to have such effect on land use are known as "land use programs."
- For each "land use program," the SAC program must include an explanation of how the agency will:
 - o Assure compliance with the Statewide Planning Goals and compatibility with acknowledged comprehensive plans and land use regulations
 - o Assure coordination with federal and other state agencies, the Department of Land Conservation and Development (DLCD), local governments, and special districts, and, in particular, develop procedures for:
 - *Dispute resolution
 - o Assure cooperation with and technical assistance to local governments during:
 - *Periodic Review
 - *Plan amendment
 - *Plan implementation

B. Current Coordination Program

The Department of Fish and Wildlife's (Department) original state agency coordination program was submitted to LCDC November 1977 and approved in 1978. This program designated Department planning coordinators for each of Oregon's 36 counties. These coordinators were to participate in the acknowledgement process for all counties and major cities by working directly with the planning staffs of local jurisdictions during plan formulation. The Environmental Management Section (now Habitat Conservation Division) was charged with coordinating and preparing the Department's comments on comprehensive plans and implementing regulations. The Department's county coordinators were also responsible for monitoring subsequent local land use decisions for consistency with: (1) acknowledged comprehensive plans, (2) the statewide planning goals, and (3) Department programs.

The 1978 coordination plan provided for Department technical assistance to local jurisdictions by identifying commonly found fish and wildlife species, outlining important habitats, describing the relative compatibility of various land use practices with habitat types, and identifying fish and wildlife recreational use areas and future recreational needs.

Department programs and activities identified in 1978 as affecting land use were land acquisition and management (big game winter ranges, upland game and waterfowl management areas, fish management areas, public recreational use access, fish hatcheries, Department offices and other operational facilities), and the issuance of private salmon hatchery permits.

The Department's original state agency coordination plan included fish and wildlife habitat protection management plans for several counties and cities, with the remainder to be completed as the planning process continued. No review mechanism to determine compliance with statewide planning goals was developed for the land acquisition or salmon hatchery permit programs, since established Department procedures assured compliance and coordination requirements would be met. The Department had a history of working closely with many other governmental agencies and bodies, and foresaw no future decrease in coordination.

ORS 197.180 and OAR Chapter 660, Division 30 now require the Department to have a SAC Program "certified" by the LCDC after providing public notice and based upon findings by the LCDC that the SAC Program meets the requirements specified in ORS 197.180 and OAR Chapter 660, Divisions 30 and 31. Because the Department must bring its

revised coordination program into compliance with all current SAC requirements, the Department's existing SAC program will be considered rescinded upon LCDC certification of the revised program.

To fulfill the above requirements, the Department has developed this coordination program to meet its land use responsibilities. The Department also will assure goal compliance and plan compatibility by following the rules and procedures in OAR Chapter 635, Divisions 40 and 405, and the procedures in the Department's Land Use Planning Guide.

Section II.

Introduction

In 1975, the 58th session of the Oregon Legislative Assembly passed Senate Bill 613, which merged the former State Wildlife Commission and the State Fish Commission to form a new agency known as the Department of Fish and Wildlife. The agency consists of the State Fish and Wildlife Commission, the State Fish and Wildlife Director, and such other personnel as may be necessary for the efficient performance of the functions of the Department.

The State Fish and Wildlife Commission has seven members who are appointed by the Governor for terms of four years and must be confirmed by the Senate. One member is selected from each congressional district in addition to one member each from the east and west side of the Cascade Mountains. Members may be removed from office only for cause.

The State Fish and Wildlife Commission is the policy-making body responsible for Oregon's fish and wildlife resources. It has the authority to formulate and implement all state policies and programs for the management of wildlife and food fish. Oregon statutes grant broad latitude for action to the Commission. Specifically, the Commission is empowered to "...perform all acts necessary to administer and carry out the provisions...." of the wildlife and commercial fishing laws (ORS 496.138).

The Commission is directed by statute to "...appoint a state Fish and Wildlife Director to serve for a term of four years unless sooner removed by the Commission." The Director is the executive head of the Department of Fish and Wildlife and is responsible to the Commission for all functions and activities of the agency.

The State Fish and Wildlife Director is appointed by and serves at the pleasure of the Commission. The Commission may delegate to the Director any of the authority, powers, and duties granted to or imposed upon it by law. In addition to the Fish Division and Wildlife Division, the Director may establish such sections and divisions as are necessary to carry out the work of the Commission. The Director is responsible to the Commission for administration of the agency and enforcement of the wildlife and commercial fishing laws. In times of emergency, the Director may exercise the full powers of the Commission until it meets in formal session.

The Oregon Legislature has assigned to the Department of Fish and Wildlife and its Fish and Wildlife Commission responsibility for formulating the programs and policies of the State of Oregon for management and protection of fish and wildlife resources, and for establishing seasons, methods, and bag limits for recreational and commercial take of the resource. The Fish and Wildlife Commission is responsible for establishing policy and adopting plans, standards, procedures, rules, and guidelines which govern the activities of the Department in the areas of fish and wildlife management and habitat conservation.

Responsibility for management of wildlife resources and fish resources is assigned to separate agency divisions. Both the Wildlife Division and the Fish Division subdivide program activities into four major segments: propagation, habitat improvement, resource management, and research. In addition, the Wildlife Division has a program to deal with damage caused by wild game. Other agency programs include support services, enforcement, capital improvement programs, and capital construction administration.

The authority and obligations of the Department of Fish and Wildlife are found in Oregon Revised Statutes (ORS). Most statutes pertaining to wildlife and fish in Oregon appear under two titles. Title 41, otherwise known as the Wildlife Code, covers game fish, amphibians, reptiles, birds, and mammals. Title 42, known as the Commercial Fishing Code, covers all fish and many lower forms of aquatic life, i.e., shellfish and crabs. The existence of two codes relates to the former existence of two agencies, one responsible for wildlife (including fish other than commercial and marine species) formerly known as the Oregon Wildlife Commission, and one to handle commercial fish, formerly known as the Fish Commission of Oregon.

Oregon's fish and wildlife policies (ORS 506.109 and 496.012) specify that fish and wildlife resources are to be managed to provide optimal recreational, aesthetic and commercial benefits for present and future generations.

SECTION III.

Department Rules and Programs

A. Administrative Rules

The Fish and Wildlife Commission is responsible for formulating and implementing policies and programs for fish and wildlife management and performs the necessary acts to administer and carry out provisions of the wildlife and commercial fishing laws. It also promulgates administrative rules (OAR) for carrying out the wildlife and fish statutes, which often clarify or interpret the statutes. These rules are contained in Chapter 635 of the OARs. A complete set of the Department's OARs is available for review in the Habitat Conservation Division at the Department's headquarters office.

B. Principal Programs

The duties and functions of the Department include a chain-of-command or "line" responsibility from the Director to the Deputy Director, Four Assistant Directors, and through the Assistant Director for Field Operations to each of seven regional supervisors.

The four headquarters divisions include the Wildlife Division, Fish Division, Habitat Conservation Division, and Administrative Support Division. These divisions have "staff" responsibilities related to: policy development, program and administrative support, resource monitoring, environmental coordination, program evaluation, and development of harvest regulations. The Assistant Director for Field Operations supervises the seven geographic Regions, and the Engineering and Realty Sections. Regional supervisors have total program responsibility for their geographic areas. The Office of Public Affairs reports to the Director.

Pursuant to the administrative authority granted the Director, many operational programs have been established for the efficient performance of the functions of the Department. A general outline and description of the major programs follows.

Administration
Director
Deputy Director

- Field Operations
 - Regions
 - Engineering
 - Realty
 - Public Affairs
- Fish Division
 - Harvest Management
 - Propagation
 - Freshwater management
 - Natural Production
 - Research and Development
 - Columbia River Coordination
 - Restoration and Enhancement Program
- Wildlife Division
 - Management
 - Big game
 - Furbearers
 - Nongame
 - Habitat Development
 - Research and Development
 - Upland birds and waterfowl
- Habitat Conservation Division
 - Water resources planning
 - Land use planning
 - Aquatic habitat
 - Forest and grassland habitat
 - Habitat database
- Administrative Services Division
 - Division Administration
 - Licensing
 - Fiscal Management
 - Business services
 - Information systems
 - Personnel management
 - Economic analysis

FIELD OPERATIONS

Regions

The Department of Fish and Wildlife has divided the state into seven regions: Columbia, Northwest, Southwest, Central, Northeast, Southeast, and Marine. Regional supervisors and their assistants implement the programs and policies of the Department by supervising the activities of 22 district fish biologists, 21 district wildlife biologists, regional habitat biologists, regional nongame biologists, 13 wildlife area managers, and 32 hatchery managers.

The regions and field specialists are the implementation force of the Department. They are the local Department contacts who carry out direction from the policy level of the agency. The regions and district personnel

maintain a close liaison with sportsmens' and user groups as well as local governments and public and private land managers as they attempt to balance the maintenance of fish and wildlife habitat with development. The goals and objectives of the regions are to provide technical advice, collect species and habitat inventory information, maintain good relationships with land owners and managers, and manage the fish and wildlife resource consistent with the Department's policies and guidelines. Considerable internal coordination occurs between district biologists, regional supervisors, and headquarters staff to accomplish these goals.

Realty Section

The Realty Section functions as the Department's land acquisition arm by implementing the agency's statutory obligation to "develop and maintain public access to the lands and waters of the state and the wildlife resources thereon" (ORS 496.012). Activities performed under this function include: coordination with local governments for land use approval; appraisals of all Department land acquisitions and buildings; boat ramp development; acquisition and maintenance of fishing access; acquisition or negotiation of easements for road access, pipelines, utilities, game management areas, hatchery sites, etc.; payment of the Department's in-lieu-of property taxes, and maintenance of the Department's lands inventory.

Engineering Section

The Department's Engineering Section designs, constructs, repairs, and improves Department facilities statewide. These actions comply with all applicable city, county, and state land use, zoning, and building code requirements, as well as meet Division of State Lands and U.S. Army Corps of Engineers Removal/Fill permit requirements. Engineering designs must meet Environmental Protection Agency effluent standards, county and state sanitary regulations, and Oregon Water Resources Department domestic water system regulations. The Section's activities require considerable coordination with federal, state, and local permitting agencies.

PUBLIC AFFAIRS

The Office of Public Affairs consists of four major programs regarding the interrelationship of the public and Oregon's fish and wildlife resources: education, public involvement, publications, and hunter/trapper education. Activities associated with these programs: (1) acquaint the public with what is being done to maintain or enhance fish and wildlife resources, (2) provide information on recreational and economic opportunities, (3) explain the

relationship of fish and wildlife to other resources, and (4) explain the impact of various activities on fish and wildlife and their habitat.

FISH DIVISION

The Department's goal is to manage fish resources through the Fish Division to provide optimum benefits to the public on a continuing basis. The Fish Division performs large segments of its program activities through a centrally controlled organization.

Of the 517 full-time equivalent employees authorized for the Fish Division, 119 are under the direct line supervision and control of Fish Division management. Of these, 35 are assigned to the headquarters office, 37 (primarily researchers) are located in Corvallis on the Oregon State University campus, 30 are headquartered at, but not under the direction of, the Columbia Regional Office at Clackamas, Oregon, and 17 other employees are stationed at work sites throughout the state.

Of the remaining 398 Fish Division employees who are under the supervision of the regions, 220 are assigned to fish hatcheries, 46 are involved with research activities, and the remaining 132 positions are assigned to habitat programs and resource management activities.

The diversity of Oregon's abundant fish resource necessitates an equally diverse fish management program:

Harvest Management

The Department, through the Fish Division, controls fish harvest by the development of appropriate sport and commercial regulations for salmon and marine fish and shellfish. This involves inventorying populations and habitat; protecting or restoring habitat where appropriate; producing fish in Department-owned and operated hatcheries; providing public access to the resource; interagency coordination with state, federal, tribal, and regional agencies; long-range planning; research; and education for Department personnel and the public.

Propagation

The Fish Division is responsible for the propagation of fish at Department hatcheries, and the development of control over propagation of fish by the private sector. Annual production plans are coordinated with federal, tribal, and regional resource agencies. Under the new Restoration and Enhancement Program, Department hatcheries will be upgraded and maintained. The hatchery information system collects and analyzes performance and production

information, while pathology investigates fish diseases to detect, prevent, and control outbreaks at public and private hatcheries and the waters of the state.

Freshwater Management

Trout, steelhead, warmwater fish, and salmon inventory, research, harvest, production, and planning are the principal subprograms under this major Fish Division program. The acquisition and maintenance of public access to fishing waters is conducted under each of these areas in an attempt to meet the goals of the Wildlife Policy. Administration of the private hatchery program, restoration and enhancement of fish populations, Department hatcheries, and freshwater fish habitat are among the activities pursued under this program.

Natural Production

This program addresses the management of the various naturally occurring fish and shellfish stocks as they relate to each other in their environment. Successful activities under this program include the Salmon Trout Enhancement Program (STEP) where the general public takes a primary role in maintaining Oregon's fishery resource. Genetic monitoring and management identifies major fish stocks and guides biologists in the management of wild fish, and the survey and protection of habitat ensures the future of the fishery.

Research and Development

Research and development is an ongoing activity with such diverse projects as: predator control methods in the Columbia River, strategies to increase returns of Willamette River spring chinook, determine the effects of in-water structures (piers, docks, etc.) on Willamette River salmon and steelhead migrating through the Portland harbor area, operating strategies for the U. S. Army Corps of Engineers dam on the Rogue River, and assist fishery managers with the development of species and basin plans.

Columbia River Coordination

The Columbia River is the thread that ties together four northwest states, a myriad of resource management agencies and organizations, and a diversity of habitats. The Fish Division represents the Department's fisheries interests at numerous levels of cooperation and coordination. Activities under this program include Columbia River basin tributary fish passage and habitat enhancement programs, coordination with the Northwest Power Planning Council and Bonneville Power Administration, cooperation with the Northwest Indian Treaty Tribes, and

interagency coordination through the Columbia River Fish and Wildlife Authority. Together, these entities develop Columbia River system and subbasin plans, as well as plan anadromous fish production for the Columbia.

Restoration and Enhancement

This new program is designed to restore and enhance Oregon's fisheries with grants to public and private agencies for projects such as: population inventories, habitat evaluation and restoration, research, propagation, planning, education, and the improvement or acquisition of property and equipment.

WILDLIFE DIVISION

The Wildlife Division headquarters staff is comprised of seven biologist specialists each of whom is charged with planning and support responsibilities for specific resource segments: big game, upland game and waterfowl, furbearers, nongame, habitat, research and development, and planning. In addition, the Wildlife Division employs the Division manager, his assistant, and three support staff. A total of 140 full-time equivalent employees were authorized to carry out wildlife programs during the 1987-89 biennium. Of these, 124 are assigned to regions. All wildlife field activities are carried out by regional employees who do the on-the-ground activities related to wildlife resource management. They include district biologists and wildlife area managers, in addition to necessary supervisory, technical, and support staff.

The Department is charged with managing all resident wildlife resources in the state. This charge requires a well-coordinated management program to achieve the desired role of managing Oregon's 565 common forms of wildlife for the benefit of wildlife and optimum enjoyment by the public.

Management

Developing road management strategies coordinated with landowners and land managers, determining effects on wildlife of forest management plans of the U.S. Forest Service and Bureau of Land Management, developing species models to project population changes and management needs, species planning, and coordination with state, federal, tribal, regional, and private agencies, organizations, and individuals are a sample of the activities conducted under this program.

Big Game

Deer, elk, bighorn sheep, antelope, mountain goat, black bear, and cougar can provide immeasurable hunting and

viewing pleasure to Oregonians, or create a nuisance where their presence is undesired. The big game program tries to balance the populations of these spectacular wild mammals with the habitat available to them, while at the same time meeting the demands of the public to hunt or view them.

The annual supply of big game animals is determined by census and herd composition work conducted by field biologists, who also inventory the habitat to determine the long-term distribution and supply of big game which can be influenced by range condition, habitat quality and quantity, and conflicting uses. Harvest seasons are established under this program and access to public lands is assured for hunters. Big game damage to public and private lands is addressed under this program, as are studies, re-introductions and transplants, disease monitoring, predator control, and administrative permits.

Furbearers

This program operates under the same organization of subprograms and activities as does the big game program.

Nongame

Program objectives include the restoration of resident threatened or endangered species to non-listed status, maintenance of all nongame species with emphasis on those listed as sensitive, restoration and maintenance of species extirpated from the state, provision of public recreation and enjoyment, and minimized economic and nuisance impacts. To accomplish this, activities similar to those outlined under the big game program are conducted: population and habitat inventories, studies, reintroductions and transplants, damage control, and land acquisition. Unique to this program is the tax checkoff program to fund nongame activities, rehabilitation of injured nongame animals, and administration of the falconry program.

Habitat Development

This program protects, improves, and acquires key habitats for game mammals and birds, as well as nongame wildlife. A large portion of this program concerns management of the Department's thirteen wildlife management areas; lands purchased by the Department to provide an environment suitable for wildlife and a location for the public to hunt and view wildlife. Management activities on these lands include cultivating wildlife crops, winter feeding, and providing public access. Wildlife habitat improvement activities such as riparian area protection, tree and shrub planting, seeding and fertilizing, and water development are conducted through agreements and/or the

participation of private and public landowners and land managers.

Research and Development

As with the Fish Division, research and development is an ongoing activity intended to provide biologists guidance and assistance in the management of Oregon's wildlife resource. Current studies include: the wildlife investigations laboratory where age and physical condition research assesses species population status, sage grouse breeding and rearing habitat use, satellite imagery mapping of Willamette National Forest elk, forage and habitat use of the Starkey enclosure by deer, elk, and livestock, and the species richness program which develops computer-generated maps of wildlife habitats and species distribution in Oregon.

Upland Birds and Waterfowl

This program extends beyond the boundaries of the state to add coordination with our neighboring states as well as Canada and Mexico to the Department's typical cooperative activities. Through the Wildlife Division, the Department coordinates migratory bird management with the Pacific Flyway Council and U.S. Fish and Wildlife Service. In addition to population and habitat inventory activities, damage control, and harvest season management, this subprogram includes the management of steelshot areas. The upland game subprogram addresses the propagation and release of game birds, introduction of exotic and new species (i.e., turkeys), and the reestablishment of extirpated species. The Department's upland bird and waterfowl stamps and prints help fund this program.

HABITAT CONSERVATION DIVISION

The most pervasive influence on all fish and wildlife resources is the preservation and improvement of natural habitat. Habitat improvement, in whatever form, benefits all species to one extent or another.

The amount of productive fish and wildlife habitat in Oregon continues to decline as undeveloped lands and waters are converted to subdivisions, shopping centers, diversified business enterprises, agricultural lands, or their natural resources are harvested or developed. Recreation homes and a variety of other recreational activities also are displacing many more acres of choice habitat. In face of such competing demands, the Department must continue to acquire and protect key habitats for fish and wildlife.

The Habitat Conservation Division (HCD) develops and coordinates Department statewide habitat policies, and develops and administers agency-wide habitat program priorities.

Ten headquarters-based biologists oversee and coordinate issues affecting fish and wildlife habitat. The Habitat Conservation Division is divided into five major programs to accomplish these activities:

Water Resource Planning

HCD is the Department's liaison with the Water Resources Commission and Department with regard to basin planning, instream water rights, and other water policy issues. This program develops and coordinates the Department's wetlands policy with the Division of State Lands and the Wetlands Working Group, in addition to cooperating with State Forestry and the U. S. Forest Service in planning for State Scenic Waterways and federal Wild and Scenic Rivers. Department comments and recommendations to private and public waterway alteration projects is coordinated through this program, which also issues in-water explosives and harmful substances permits.

Land Use Planning

This program coordinates the Department's participation in LCDC goal and rule amendments and comprehensive land use planning by developing policy and providing technical assistance to field staff regarding Periodic Review, plan and land use regulation amendments, and local plan implementation actions. HCD coordinates policy development and comments to the Department of Geology and Minerals Industry on the fish and wildlife impacts of upland mining, as well as State Parks planning. This program also administers the Riparian Tax program.

Aquatic Habitats

This program coordinates with state and federal agencies, local governments, and project proponents regarding water project planning, hydroelectric projects, water rights and water quality, and pesticides and toxic materials by providing technical assistance and guidance with regard to fish and wildlife needs.

Forest and Grassland Planning

This program represents and coordinates Department participation in forest and rangeland use planning on private (i.e., small wood lot owners, corporate owners), state, and federal forest and grasslands. HCD works closely with the State Department of Forestry on the Forest

Practices Act, and provides technical assistance and coordination during the U.S. Forest Service and Bureau of Land Management planning process. This program also represents the Department's concerns in Wilderness issues.

Habitat Database

This program participates in the Northwest Power Planning Council's Protected Area program by developing a plan to identify hydroelectric development activity within Protected Areas, and preparing justification for Protected Area designations. This program maintains and enhances the habitat database, disseminates information, standardizes fish and wildlife habitat information, and maintains linkages with other agency databases.

ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division (ASD) provides management support. It is the business end of the Department through which budgetary, fiscal, and business activities are conducted. The Department's licensing activities are managed by ASD, as are computer and word processing services, economic analysis, and personnel management.

Fiscal management of the Department's revenue and expenditures is the primary activity of ASD. Department revenues come from three general sources: (1) Other Funds, (2) Federal Funds, and (3) General Funds.

Other Funds are composed of three major categories: (a) revenues from sales of hunting, fishing, and occupational (excluding commercial fishing) licenses and tags; (b) indirect or overhead charges on federally funded work; and (c) "other" Other Funds, which include funds from agreements with non-federal agencies, fines and forfeitures from game law violators, fish carcass and egg sales, income tax checkoff contributions, donations, and a few other miscellaneous categories.

Federal Funds are received as a result of federal laws or agreements from agencies within five cabinet-level federal departments and two federally-funded regional agencies. A portion of the Federal Funds are allocated to Other Funds to cover indirect or overhead-type administrative costs to the Department as a result of the federal acts and agreements.

General Funds are directly appropriated by the Oregon Legislature from the State General Fund which is composed in large part of general tax revenues (personal and corporate income taxes, cigarette taxes, etc.). The Department collects about \$4 million per biennium from commercial

fisheries license and poundage fees, which are passed directly to the State General Fund.

C. Department Policies and Procedures

The Commission sets fish and wildlife policy primarily through the development of fish and wildlife management plans. Following the public involvement process established in OAR 635-01-000 and 635-01-005, the management plans are adopted as administrative rules. The plans reflect how fish and wildlife resources are currently being used, and provide for their future use and allocation. The plans describe actions needed by the Department, other agencies, and project proponents to conserve or develop or restore fish and wildlife habitat to meet the management plan objectives.

The Department's Policies and Procedures Manual (updated in 1988) addresses the internal operation of the Department. Methods to adopt internal policies and procedures are described in the Manual. Activities affecting the general public or specific divisions are referred to the Division having major responsibility for the program or activity. A copy of the Policies and Procedures Manual is available for review in the Habitat Conservation Division at the Department's headquarters office.

SECTION IV.

Department "Land Use Programs"

The abundance and condition of Oregon's fish and wildlife resources are directly dependent on the quantity and quality of habitat provided by the State's land and water resources. Therefore, the Department has strongly supported and been an active participant in coordinated land and water use planning.

A. Land Use Program Determination

Because the Department is so widely involved in coordination and cooperative programs, it was necessary to determine more precisely which activities and programs affect land use (as defined in OAR 660-30-005(2)). To do so, all Department programs were evaluated using the criteria established in OAR 660-30-005, which states:

An agency land use program is one which is:

- (1) specifically referenced in the statewide planning goals, or
- (2) reasonably expected to have significant effects on:
 - (a) resources, objectives or areas identified in the statewide planning goals, or
 - (b) present or future land use identified in acknowledged comprehensive plans.

Section IV.C. of this report addresses those Department programs specifically referenced in the Statewide Planning Goals adopted by LCDC.

In evaluating the wide variety of Department programs and activities, it was determined that the above criteria regarding significant effects on Goal topics and uses in comprehensive plans did not fully encompass the diversity of programs. The criteria were general and provided the opportunity for clarification. Following consultation with the DLCD staff and review by selected local planning representatives, the Department developed more refined criteria with which to filter programs reasonably expected to have significant effects on Goal topics and uses in comprehensive plans.

In addition to considering the criteria set forth in OAR 660-30-005, a Department program was determined to have significance regarding land use if the program met one or more of the following criteria:

1. Authorizes a major Department development action, property or habitat management action, or facility construction or improvement likely to be regulated by or require the land use approval of the affected local government. This would include major expansions or improvements to existing Department facilities, siting new Department facilities, or winter feeding of wildlife;
2. Requires the issuance of a Department permit listed in OAR 660-31, or other subsequent permit determined to affect land use in accordance with OAR 660-30 and 660-31. This would include private salmon hatchery permits and permits to use in-water explosives or harmful substances;
3. Adopts or amends a species management plan that includes specific recommended habitat protection standards or definitions applicable to local governments for goal compliance. This would include big game winter range dwelling density recommendations, and protection measures for bird habitat sites;
4. Adopts or amends mandatory habitat protection standards applicable to local governments for goal compliance. This would include threatened and endangered species protection measures;
5. Approves a grant or other type of financial assistance to support, develop, or expand a major public or private project, facility, or improvement which is likely to be regulated by or require the land use approval of the affected local government. This would include public boat ramps.

In applying the above criteria to Department programs, the following considerations were taken into account to assure proper regard was given to the public interest in the definition of Department land use programs:

1. Will the Department action or decision significantly affect the public interest in terms of causing or leading to a major change in land use?
2. Are the affected local governments likely to have an interest in the program prior to Department action or decision?

A detailed Department program outline was tested against the criteria. Once the land-use-significance criteria were applied to the programs outlined, the Department realized further clarification was required for those 34 programs and actions initially identified as

affecting land use. Based upon consultation with DLCD staff and local planning representatives, three categories of positive responses were developed to further filter the "significant effect" aspect of Department programs and actions initially identified as affecting land use:

1. The program or activity results in the establishment of recommended standards to carry out the state's Wildlife Policy (ORS 496.012). These standards are applicable statewide or to specific regions of the state (e.g., species plans, wetlands policies, waterway habitat alteration policies, etc.). The Department provides these recommended standards to the land manager or appropriate governing entity to assist them with their land use decisions with regard to activities affecting the state's wildlife resources. Therefore, the program or activity does not significantly affect land use as defined in OAR 660-30-005(2).
2. The program or activity provides technical assistance and is strictly advisory in nature (i.e., technical assistance regarding scenic waterways, land use planning, coordination with DLCD and the Department of Forestry, etc.); therefore, it does not significantly affect land use as defined in OAR 660-30-005(2) and 635-405-005(35).
3. The program or activity proposes or seeks a specific use or change to an existing use that local governments will want to or do regulate (i.e., permitting private salmon hatcheries, siting or major expansion of Department facilities requiring a change in existing land use designation); therefore, it does significantly affect land use as defined in OAR 660-30-005(2) and 635-405-005(35), and is subject to compliance with the statewide planning goals and compatibility review with acknowledged city and county comprehensive plans.

Only those programs and actions meeting the last of the positive responses to the "significant effect" criteria are subject to rules adopted by the Commission which describe the Department's procedures thing harvest seasons, etc., were determined not to affect land use. Most of the Department programs or actions indicated as affecting land use in the initial filtering process were, upon further analysis, determined to be advisory in nature, not mandatory.

The Department develops statewide and regional fish and wildlife habitat standards for the benefit of Oregon's wildlife resource; however, these standards are

recommendations to the federal, state, and local agencies and governments that manage lahing harvest seasons, etc., were determined not to affect land use. Most of the Department programs or actions indicated as affecting land use in the initial filtering process were, upon further analysis, determined to be advisory in nature, not mandatory.

The Department develops statewide and regional fish and wildlife habitat standards for the benefit of Oregon's wildlife resource; however, these standards are recommendations to the federal, state, and local agencies and governments that manage land uses or grant permits for proposed activities that may affect the natural environment. Although the Department often participates in the development of changes in land use under other state or federal agency programs (e.g., Wild and Scenic Rivers, State Parks Planning, etc.), these are not programs or actions of the Department and, therefore, the Department's coordination with the other agencies does not meet the criteria established in OAR 660-30-005(2). The Department's land transactions conducted through the Realty Section require local government involvement only when the Department proposes or will require a change in the use or dimension of the property acquired.

The following Department programs and actions were determined to have a significant effect on land use pursuant to ORS 197.180 and OAR Chapter 660, Division 30:

- Issuing permits for private salmon hatcheries
- Issuing permits for in-water explosives or harmful substances
- Development of new, or improvement or expansion of existing Department facilities
- Feeding wildlife during the winter on private or non-federal public lands
- Department programs and actions subject to Statewide Planning Goal 19 (Ocean Resources)

C. Department Programs Affecting Land Use

Department Programs Subject to OAR Chapter 660, Division 31

Department permit programs subject to LCDC's permit compliance and compatibility rule were determined to be:

- o Review, conditioning, and issuance of permits for:
 - * Private salmon hatcheries
 - * In-water explosives or harmful substances

Private Salmon Hatcheries

ORS 508.700 through 508.745 grant the Department the authority to regulate and permit private salmon hatcheries in the state of Oregon. This program allows private entities to rear and release salmon into the waters of the state. Pursuant to OAR Chapter 660, Division 31 the private salmon hatchery permit is a Class A Permit, which requires public notice and public hearings prior to permit approval. OAR Chapter 635, Division 40 establishes the procedures the Department will follow to review applications and issue private salmon hatchery permits.

Permits are valid for the life of the project as long as permit conditions are met; therefore, there is no permit renewal process. A permit application to expand an existing hatchery facility is treated as a new permit.

In-Water Explosives or Harmful Substances

ORS 509.140 establishes the authority for the Department to issue permits for placing explosives or harmful substances into the waters of the state. OAR Chapter 660, Division 31 lists this program as a Class B Permit affecting land use. Class B permits do not require public notification or a public hearing prior to permit approval.

Existing procedures for the review, conditioning, and issuance of permits to employ in-water explosives or harmful substances will be updated to include coordination with local governments when the Department's draft Waterway Habitat Alteration Policies are adopted as rules by the Commission in 1990. In the interim, the procedures established in OAR 635-405-020 and -025 shall apply to the issuance of these permits to assure compliance with the Statewide Goals and compatibility with acknowledged comprehensive plans and land use regulations.

Department Programs Reasonably Expected to Have Significant Effects

Based on the filtering process described in Section IV. A., the following Department programs and actions were determined to significantly affect land use:

- o Development of new, or improvement or expansion of existing Department facilities
- o Feeding wildlife during the winter on private or non-federal public lands

Development of New or Improvement or Expansion of Existing Department Facilities

These activities and programs fall under the Department's Engineering and Realty Sections. It was determined that routine maintenance and repair of existing Department facilities do not significantly affect land use. However, siting new facilities or undertaking expansions of existing facilities will be subject to a Goal compliance and plan compatibility review.

The Realty Section performs the Department's land transactions, which includes coordination with local governments to assure that the intended use of the land to be acquired is compatible with acknowledged comprehensive plans, and zoning and land division regulations. The Engineering Section complies with county, city, and state building codes and zoning requirements. Both Sections perform considerable coordination with local governments and permitting agencies, and will adhere to the Department's SAC Program by following the procedures established in OAR 635-405-025(1) to assure compliance with the Statewide Planning Goals and compatibility with acknowledged plans and land use regulations.

Feeding Wildlife During the Winter on Private or Non-Federal Public Lands

It is the Department's charge to balance wildlife populations with the habitat available while meeting the demands of the public to hunt and view wildlife, while at the same time avoiding interference with the primary uses of the land. One method to alleviate wildlife damage to private lands and at the same time maintain wildlife populations is to provide food during the critical winter period to attract animals away from agricultural lands.

It was determined during the filtering process that this activity, whether conducted on private or non-federal public lands, may or does significantly affect land use. Presently, regulation of winter feeding by local governments centers upon big game in eastern Oregon, but each area of the state has its own interests and concerns. The Department will comply with its SAC Program when siting winter feeding sites for wildlife pursuant to OAR 635-405-025(1).

Programs Listed in Statewide Planning Goals

Only one Statewide Planning Goal lists or makes specific reference to Department programs and actions for the purposes of Goal compliance. This is Goal 19 - Ocean Resources. Goal 19 contains two implementation requirements that are directly applicable to the Department:

Implementation Requirement 1:

State and federal agencies with planning, permit, or review authorities affected by the Ocean Resources Goal shall review their procedures and standards to assure that the objectives and requirements of the goal are fully addressed. The following authorities are of special concern:

Department of Fish and Wildlife
Fisheries Regulation ORS Chapter 506

Implementation Requirement 2:

Each state and federal agency, special district, city and county within the limits of its jurisdiction and as necessary to:

- i. determine the impact of proposed projects or actions; and
- ii. for the sound conservation of ocean resources; shall:
 - a. Fishery Resources
 - i. Develop scientific information on the stocks and life histories of commercially, recreationally, and ecologically important species of fish, shellfish, marine mammals and other marine fauna.
 - ii. Designate and enforce fishing regulations to maintain the optimum sustained yield (OSY) while protecting the natural marine ecosystem.
 - iii. Develop and encourage improved fishing practices and equipment to achieve the OSY while protecting the natural marine ecosystem.
 - iv. Develop scientific understanding of the effects of mans activities, including navigation, mineral extraction, recreation, and waste discharge, on the marine ecosystem.
 - b. Biological Habitat
 - i. Identify and protect areas of important biological habitat, including kelp and other algae beds, seagrass beds, rock reef areas and areas of important fish, shellfish and invertebrate concentration.

- ii. Identify and protect important feeding areas; spawning areas; nurseries; migration routes; and other biologically important areas of marine mammals, marine birds, and commercially and recreationally important fish and shellfish.
- iii. Determine and protect the integrity of the marine ecosystem, including its natural biological productivity and diversity.

The Department is a participating member of the Oregon Ocean Task Force which is developing information to comply with the implementation requirements listed above. At the time the Department's SAC Program was being developed, this information was unavailable. In addition to consulting with DLCD on individual Department actions subject to Goal 19, the Department will incorporate the results of the Oregon Ocean Task Force into its SAC Program when the data becomes available.

SECTION V.

Department Program to Assure Compliance with the Statewide Goals and Compatibility with Acknowledged Comprehensive Plans

A. Exempt and Compatible Department Land Use Programs

None of the Department's land use programs come under the category of an "exempt land use program." There are no applicable statutes, constitutional provisions, or appellate court decisions expressly exempting these programs from compatibility with acknowledged comprehensive plans, or from compliance with the Statewide Planning Goals.

B. Department Rules to Assure Compliance with the Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans and Land Use Regulations

General SAC Rule

OAR Chapter 635, Division 405 (Appendix A) was adopted by the Fish and Wildlife Commission as part of the Department's SAC Program to fulfill the requirements of ORS 197.180 and OAR Chapter 660, Divisions 30 and 31.

OAR 635-405-020 and 635-405-025 implement the state agency goal compliance and comprehensive plan compatibility requirements established in ORS 197.180 and OAR Chapter 660, Divisions 30 and 31 for the Department programs and actions determined to affect land use (see Section IV.C.).

Private Salmon Hatchery Permits

The Department shall process applications for private salmon hatchery permits pursuant to OAR 635-40-009(4) and (5) (Appendix B).

In-Water Explosives and Harmful Substances Permits

Applicants seeking approval from the Department to place explosives or harmful substances in the waters of the state shall provide information regarding compliance with the Statewide Planning Goals and compatibility with acknowledged comprehensive plans pursuant to OAR 635-405-025(3)(a) and (b).

Department Facilities and Winter Feeding of Wildlife

Compliance with the Statewide Planning Goals and compatibility with acknowledged comprehensive plans shall be

assured for siting or expansion of Department facilities and winter feeding of wildlife on private and non-federal public lands pursuant to OAR 635-405-025(1).

Goal Findings

Because all comprehensive plans in the state have been acknowledged to be in compliance with the Statewide Planning Goals, the Department shall attempt to achieve goal compliance whenever possible by taking actions that are compatible with acknowledged city and county comprehensive plans.

By acting compatibly with acknowledged comprehensive plans the Department is acting in compliance with the Statewide Planning Goals. Therefore, with the exception of Goal 19 requirements, the Department does not anticipate adoption of direct goal findings. However, in the event such findings are required, the Department shall adhere to the procedure established pursuant to OAR 635-405-020(3)(a) through (f).

C. Department Procedures to Assure Compliance with the Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans and Land Use Regulations

Except for the Land Use Planning Guide described below, no additional procedures have been adopted to assure Goal compliance and plan compatibility for the Department's land use programs. All of the Department's procedures for land use coordination are included in OAR Chapter 635, Divisions 40 and 405.

Land Use Planning Guide

The Department's Land Use Planning Guide establishes procedures describing how Department land use county coordinators can more effectively participate in and respond to local land use planning activities. The 1989 document, which replaces an earlier guide, directs Department personnel in their responses to plan amendments, zone change requests, Periodic Review, and day-to-day local government permit activities.

The Land Use Planning Guide is available at all Department regional and district offices. Periodic updates and amendments will keep the Guide current with changes in statewide planning goals, local government land use planning, and Department policies.

D. Dispute Resolution

The Department shall attempt to resolve all disputes regarding land use issues by direct contact with the affected cities and counties. However, if no agreement can be reached, OAR 635-405-030 establishes the process the Department will follow to resolve land use disputes concerning approval of a Department program or action.

Procedures to Reconcile Conflicting Statutory Obligations

It is the intent of the Department to achieve compatibility between Department "land use programs" and acknowledged comprehensive plans and land use regulations whenever possible. However, if a situation arises where the Department believes its statutory mandates, including but not limited to ORS 496.012 and ORS 506.109, may prevent it from meeting its land use compatibility responsibility under ORS 197.180, the Department shall use the following procedures in its attempt to resolve the potential conflict.

1. Hold direct discussions with the affected local government(s), DLCD, and any other appropriate or affected persons in accordance with applicable dispute resolution procedures described in OAR 635-405-030.
2. If the Department's statutory obligation remains in conflict after exhausting the appropriate procedures under 1 above, and the Department determines that it must act, the Commission (or its designated representative) shall adopt findings in writing explaining why it cannot act compatibly with applicable city or county comprehensive plans and land use regulations.
3. Upon request, the Commission shall make available a copy of the findings referenced in 2 above to applicable local governing bodies and other interested persons explaining the rationale for its decision.

E. Compliance and Compatibility of New or Amended Department Land Use Programs

OAR 635-405-035 assures new or amended agency rules and programs affecting land use will comply with the Statewide Planning Goals and be compatible with acknowledged comprehensive plans and land use regulations.

SECTION VI.

Department Program to Coordinate with DLCD, Federal and Other State Agencies, and Special Districts

A. Agencies with which the Department Coordinates

Management of Oregon's fish and wildlife resources is one of the more challenging assignments in Oregon state government. The management problem is extremely complex and involves not only local jurisdictions and state agencies, but also other states, federal agencies, and even international organizations. Relationships with each jurisdiction must be carefully nurtured and open lines of communications maintained.

Broad interjurisdictional cooperation is required to implement Department recommendations to protect fish and wildlife habitat. The Department does not regulate land use. Its only enforcement powers relate to hunting and fishing regulations. In order to meet its statutory authority to influence issues which affect the fish and wildlife resources, the Department makes recommendations to other agencies which do have jurisdiction. Therefore, the Department coordinates closely (pursuant to OAR Chapter 635, Division 405) with the following, and other, agencies and organizations:

Federal Agencies

- National Marine Fisheries Service
- Fish and Wildlife Service
- Army Corps of Engineers
- Forest Service
- Bureau of Land Management
- Soil Conservation Service
- Bureau of Indian Affairs
- Federal Energy Regulatory Commission
- Bonneville Power Administration
- Environmental Protection Agency
- Bureau of Reclamation
- National Parks Service

State Agencies

- Department of Land Conservation and Development
- Department of Forestry
- Division of State Lands
- Department of Environmental Quality
- Water Resources Department
- State Marine Board

Department of Agriculture
Oregon State Police
Oregon State University
Department of Transportation
State Parks
Department of Geology and Mineral Industries
Intergovernmental Relations (Governor's Office)

Others

Indian Treaty Tribes
United States/Canada Treaty Members
Pacific Marine Fishery Commission
Pacific Fisheries Management Council
North Pacific Fisheries Management Council
Columbia River Compact
Columbia River Fish and Wildlife Authority
Columbia River Gorge Commission
Northwest Power Planning Council
Pacific Salmon Commission
North Pacific Fisheries Commission
Columbia River Inter-tribal Fish Commission
Pacific Flyway Council

B. Interagency Coordination Procedures

The Department coordinates directly with the applicable local governing body where a Department project or action affecting land use is or may take place.

Department contacts for interagency coordination will be determined by the type of program or action, and may include the land use county coordinator, a representative from the Realty Section, the district biologist or regional supervisor, staff biologists, or the Department's Land Use Planning Coordinator.

The information available and technical assistance provided by the Department is indicated in Section VII.B.

C. Interagency Coordination Contact

The Department's primary interagency contact regarding land use issues is the Land Use Planning Coordinator of the Habitat Conservation Division:

Position:	Land Use Planning Coordinator
Division:	Habitat Conservation
Address:	P.O. Box 59 2501 S. W. First Avenue Portland, OR 97207
Telephone:	229-5400

SECTION VII.

Department Program for Cooperation and Technical Assistance to Local Governments

A. Department Participation in and Coordination with Local Government Land Use Planning

As provided in OAR Chapter 635, Division 405, the Department may furnish technical assistance and information through its County Coordinators as availability and resources permit to local governments during Periodic Review, plan updates, plan amendments, or implementation of acknowledged comprehensive plans to accomplish the fish and wildlife habitat protection programs under its jurisdiction. The Department's provision of such technical assistance and information shall also be subject to statutory limitations. The Department's Land Use Planning Guide will direct county coordinators participating in and responding to local land use planning activities.

B. Technical Assistance and Information Available from the Department and Methods Used to Provide the Information to Local Governments

Subject to statutory limitations, the Department land use county coordinators and HCD's Land Use Planning Coordinator may provide technical assistance and information to local governments as availability and resources permit.

The information provided (as defined in OAR Chapter 635, Division 405) may include, but is not limited to: (1) delineation of significant wildlife habitat (e.g., big game ranges, bird habitat sites, threatened and endangered habitat, riparian habitat/land, wetlands, aquatic habitat, sensitive species habitat), (2) estimated wildlife population levels whenever data is available, (3) identification of conflicting uses and analysis of the consequences of those conflicting uses on identified fish and wildlife habitat, (4) wildlife habitat protection and management standards (e.g., dwelling density criteria, setback buffers, activity and timing restrictions, instream flows, compatible structures), (5) educational and informational materials, and (6) estimated monetary values of wildlife whenever the information is available.

C. Department Periodic Review Participation

The statutes require DLCD to review acknowledged land use plans every 2-7 years. During Periodic Review of an

acknowledged plan, DLCD asks local governments to re-examine their comprehensive plans to determine applicability of the four statutory Periodic Review factors to assure compliance with the Statewide Planning goals and state agency land use plans or programs. If determined to be necessary, local governments must change the comprehensive plan to remain in compliance with the four Periodic Review factors.

Periodic Review of city and county comprehensive land use plans gives the Department the opportunity to provide local governments with new and updated fish and wildlife inventory information, new or amended habitat protection standards, and new or amended permit programs.

Technical assistance and information will be furnished primarily through the land use county coordinators under the overall direction of the HCD Land Use Planning Coordinator. The Department's Periodic Review process and the major fish and wildlife habitat inventory issues addressed during Periodic Review are described in the Land Use Planning Guide.

D. Cooperation and Technical Assistance to Coastal Cities and Counties

Two principal elements comprise the Department's program of cooperation with and technical assistance to coastal cities and counties:

1. The Department's direct involvement in the planning activities of coastal jurisdictions.
2. Department participation in the Oregon Coastal Zone Management Program (OCMP) and Ocean Management Planning process.

Department Involvement in Coastal City and County Planning

Operating in the same manner as described in Section VII.A. and subject to statutory limitations, the Department may provide personnel, technical assistance, and planning information to coastal jurisdictions during Periodic Review, plan updates, plan amendments, and implementation of coastal comprehensive plans and land use regulations, as availability and resources permit. Such assistance and cooperation will be furnished primarily through the Department's land use county coordinators under the overall direction of the Marine Region in Newport and the HCD Land Use Planning Coordinator in Portland.

As provided for in OAR 635-405-040 and -045, the Department will make an effort to assist coastal jurisdictions in carrying out those requirements listed in LCDC Coastal Goals 16 through 18, which relate to

implementing the Department's fish and wildlife habitat protection programs and activities. The Department will work closely with DLCD and other state and federal resource agencies to minimize conflicts or duplication in assistance to coastal cities and counties.

Department Participation in Coastal and Ocean Planning Programs

The OCMP is part of Oregon's statewide program for coordinated land use planning. The program is a partnership between local governments and state and federal agencies to resolve general and often competing interests through comprehensive plans and land use regulations for all lands in Oregon's coastal zones. The OCMP is based primarily on the Oregon Land Use Planning Act (ORS Chapter 197) and its requirements, which include the Statewide Planning Goals and acknowledged comprehensive plans. In addition, the OCMP is based upon specific resource management authorities contained in other Oregon Revised Statutes.

Department Authorities Listed in the OCMP

Statutory authorities upon which Department involvement in OCMP are based:

- ORS Chapter 496: Application, Administration, and Enforcement of Wildlife Laws
- ORS Chapter 498: Hunting, Angling, and Trapping Regulations; Miscellaneous Wildlife Protective measures
- ORS Chapter 501: Refuges and Closures
- ORS Chapter 506: Application, Administration, and Enforcement of Commercial Fishing Laws
- ORS 508.700: Private Salmon Hatchery Permits

These authorities are implemented by Chapter 635 of the Oregon Administrative Rules.

Department Coordination Activities Under the OCMP

The Department's Marine Region headquartered in Newport has the primary coordination responsibility for Department activities under the OCMP. These activities include Department compliance with Statewide Planning Goal 19 (Ocean Resources) described in Section IV.C., management of marine gardens, and staff support for Department representation on the Oregon Ocean Management Task Force.

Federal Consistency with State Coastal Zone Management

Working in close coordination with the DLCD and other affected state and federal agencies, the Department will advise DLCD on the consistency of federal actions and activities which may affect Oregon's coastal zone. In carrying out its responsibilities under the federal consistency process, the Department will adhere to the procedures and requirements contained in LCDC's federal consistency rule (OAR Chapter 660, Division 35).

OCMP Strategic Planning

The Department will participate with DLCD and other OCMP agencies, as resources permit, to develop and update a five-year strategic plan for Oregon's coastal zone.

Oregon Ocean Management Plan

The Department will continue to be an active participant on the Oregon Ocean Management Task Force. Following adoption of the Oregon Ocean Management Plan by LCDC, the Department will consider incorporating into the appropriate Department rules and programs those aspects of the Ocean Plan which the Department has authority to implement.

VIII. APPENDICES

- A OAR Chapter 635, Division 405, State Agency
Coordination Program
- B Application Requirements and Hearing Procedures for New
Permits to Construct and Operate Private Salmon
Hatcheries, OAR 635-40-009(4) and (5)