

## Chapter 17.08

### SALMON HABITAT IMPROVEMENT

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17.08.010 Short title. This chapter may be referred to as the "salmon habitat improvement ordinance." (Ord. 84-9-2 §1, 1984)

#### 17.08.020 Purpose.

A. The county declares that it is in the best interest of the public to maintain, conserve and rehabilitate instream habitat and stream side vegetation for replenishing and increasing salmon and other anadromous fish which contribute to the economic and recreational well-being of the county and its citizens.

B. Riparian habitat maintained in a healthy condition contributes to erosion control, improved water quality and prolonged streamflow. Instream habitat in a healthy condition contributes to improved fish passage and improved spawning and rearing environments.

C. The preservation, enhancement and restoration of riparian and instream habitat contributes directly to lower water temperatures during summer months through shading and promotes natural conditions conducive to increased food sources for anadromous fish and other game and food fish which have the effect of supporting large salmon and other anadromous fish runs.

D. The preservation, enhancement and restoration of riparian and instream habitat is declared to be a matter of county concern. (Ord. 84-9-2 §2, 1984)

17.08.030 Definitions. As used in this chapter:

- A. "Board" means the board of commissioners of the county.
- B. "Department" means the county water resources survey.
- C. "Eligible owner" means owner or contract purchaser of private property containing riparian lands within the county.
- D. "Intermittent stream" means any natural waterway which flows during a portion of every year and which provides, or with restoration would provide, spawning, rearing or food-producing areas for food and game fish.
- E. "Nonaquatic vegetation" means perennial vegetation adjacent to the edge of the stream channel, which may be submerged or partially submerged during periods of high streamflow, but spends the majority of the year completely out of surface water, although the soil may remain saturated.
- F. "Perennial stream" means a natural waterway and ordinarily has running water on a year-round basis.
- G. "Riparian" means pertaining to or situated on the edge of the bank of an intermittent or perennial river or stream.
- H. "Riparian vegetation" means the aquatic and nonaquatic vegetation adjacent to streams which is dependent upon freely available water or is at least water-tolerant.
- I. "Volunteer groups" means any recognizable organization with a declared purpose furthering the purpose of this chapter. (Ord. 84-9-2 §3, 1984)

17.08.040 Advisory committee--Establishment--Membership. The salmon habitat advisory committee is created which shall serve as an advising body to the board on all matters pertaining to this chapter. The committee shall be composed of five members appointed by the board as follows:

- A. One member shall represent the public at large.
- B. Two members shall represent different volunteer groups.
- C. One member shall represent an eligible owner.
- D. An employee of the department who shall also serve as the recording secretary.
- E. One representative each from the Oregon Department of Fish and Wildlife, United States Forest Service and Bureau of Land Management shall serve as ex officio members. (Ord. 84-9-2 §4(A), 1984)

17.08.050 Advisory committee--Terms. Members shall serve two-year terms provided that the first term for the eligible owner-member and one volunteer group member shall be for one year. (Ord. 84-9-2 §4(B), 1984)

17.08.060 Advisory committee--Removal of member. Members of the committee may be removed at the discretion of the board of county commissioners for misconduct or nonperformance of duties or missing three consecutive meetings. If a member of the committee is removed by the board or resigns from the committee any replacement member shall serve for the remainder of the term of the member being replaced. (Ord. 84-

9-2 §4(C), 1984

17.08.070 Advisory committee--Action on application. Upon receipt of an application for a project the committee shall:

A. Consider the feasibility and benefits to be derived from the project in comparison with the purpose and standards of this chapter and make such investigations as necessary to undertake such considerations.

B. Investigate the practicality of utilizing the resources of other state, federal or local agencies in carrying out the activity. Where the committee finds it would be practical to utilize the resources of other agencies, it may recommend to the board an appropriate intergovernmental agreement.

C. Prepare a recommendation on the application for the board together with an assessment as to its priority for funding compared to other proposed or anticipated projects. (Ord. 84-9-2 §4(D), 1984)

17.08.080 Advisory committee--Action on recommendation. Upon receipt of a recommendation the board may approve and fund the project; enter into any necessary intergovernmental agreements or reject the project. (Ord. 84-9-2 §4(E), 1984)

17.08.090 Riparian habitat improvement program--Establishment. The riparian habitat improvement program is created to provide financial assistance as defined in this chapter, to eligible owners or volunteer groups implementing measures for the preservation, enhancement or restoration of riparian habitats. (Ord. 84-9-2 §5(A), 1984)

17.08.100 Riparian habitat improvement program--Application for funds. Application for program funds shall be on forms prescribed by the department and shall contain all information requested therein. (Ord. 84-9-2 §5(B), 1984)

17.08.110 Riparian habitat improvement program--Standards. The following standards shall be considered prior to the committee making a recommendation:

A. The width of the riparian land proposed to be preserved, enhanced or restored is sufficient to provide long term stream bank stability, erosion control, water quality and fish and wildlife protection or improvement;

B. In determining the width necessary the committee shall consider the stream size at various flows, vegetation restoration potential, stream bank slope, adjacent land uses and stream channel orientation;

C. The following types of projects shall be given the highest priority for funding:

1. Stream banks which, on completion of the project, will have eighty percent or more of their lineal distance in a stable, non-eroding condition, and will minimize to the greatest extent feasible areas of critically eroding stream bank,

2. Vegetative cover, upon completion of the project, shall be adequate to achieve and maintain stream bank stability,

3. Stream surface shading on small to medium-sized streams, up to fifty feet in width, will, upon completion of the project, have sixty to one hundred percent of the stream surface shaded between the hours of ten a.m. to four p.m. from June through

September, except on those streams where the department may determine that such level of shading was not a natural condition and cannot be reasonably achieved;

4. Where eligible owners or volunteer groups provide funds to match county funds;

D. Conforms to plans and priorities of the county water resources management plan so far as applicable. (Ord. 84-9-2 §5(C), 1984)

17.08.120 Riparian habitat improvement program--Disposition of funds. Program funds shall only be expended for such nonaquatic vegetation (or aquatic vegetation if specifically approved by the committee and the Oregon Department of Fish and Wildlife) and related expenses (except labor) necessary for the approved project. Labor necessary for the planting and maintenance of such vegetation shall not be paid from program funds. (Ord. 84-9-2 §5(D), 1984)

17.08.130 Riparian habitat improvement program--Landowner to acknowledge understanding of guidelines. Every owner of land upon which program funds are expended shall acknowledge that he has read and understands the following:

A. Activities Generally Compatible with Riparian Lands.

1. Livestock watering and crossing areas when located at defined points.  
2. All existing irrigation and utility developments, including powerlines, water lines, pipelines, irrigation diversion dams, pump stations, pump intakes, irrigation ditches and other similar developments.

3. New irrigation and utility developments, including powerlines, water lines, pipelines, irrigation diversion dams, pump stations, pump intakes, irrigation ditches and other similar developments properly installed.

4. Stream bank stabilization and fish habitat restoration projects, when consistent with a valid Division of State Lands fill/removal permit, if required.

5. Tree removal:  
a. When a tree threatens stream bank stability; and/or  
b. Threatens to obstruct streamflow in a manner that would cause erosion or be detrimental to irrigation systems, bridges, fishery resources, or other existing development.

6. Debris removal:  
a. When organic debris threatens bank stability; and/or  
b. Threatens to obstruct streamflow in a manner that would result in stream bank erosion or be detrimental to irrigation systems, bridges, fishery resources, or other existing development.

7. Equipment or vehicle crossings at fords and bridges.  
8. Recreational facilities (i.e., trails, boat camps and primitive campsites).  
9. Timber harvest, when consistent with program objectives of tree, shrub, grass, and for cover.

B. Activities Generally Incompatible with Riparian Lands.

1. Regular cultivation, seeding, and harvesting of crops or other farming activities which preclude the development of permanent vegetative cover.

2. Livestock grazing or feeding areas except at defined watering points or

crossings, when the activity reduces the vegetative cover below the program object level (Ord. 84-9-2 §5(E), 1984)

17.08.140 Instream habitat improvement program--Establishment. The instream habitat improvement program is created to provide financial assistance as defined in Sections 17.08.150 through 17.08.170, to eligible owners or volunteer groups implementing measures for the preservation, enhancement or restoration of instream habitats. (Ord. 84-9-2 §6(A), 1984)

17.08.150 Instream habitat improvement program--Application for funds. Application for program funds shall be on forms prescribed by the department and shall contain all information requested therein. (Ord. 84-9-2 §6(B), 1984)

17.08.160 Instream habitat improvement program--Standards. The following standards shall be considered prior to the committee making a recommendation:

A. The instream habitat proposed to be preserved, enhanced or restored is within a perennial or intermittent stream.

B. The Oregon Department of Fish and Wildlife has made a favorable recommendation for the project.

C. Projects where matching funds are to be provided by an eligible owner or volunteer group shall be given the highest priority for funding.

D. The project conforms to plans and priorities of the county water resources management plan so far as applicable.

E. All necessary permits can be feasibly obtained.

F. Such other standards as the committee may deem appropriate. (Ord. 84-9-2 §6(C), 1984)

17.08.170 Instream habitat improvement program--Disposition of funds. Program funds shall only be expended for gabions, weirs, improvements to upstream or downstream migration and other materials or equipment rental as approved by the department. Labor necessary for the construction and placement of the project materials or project completion shall not be paid from program funds. (Ord. 84-9-2 §6(E), 1984)

17.08.180 Alternative habitat enhancement program--Establishment. The alternative habitat enhancement program is created to provide financial assistance as defined in this chapter, to eligible owners or volunteer groups implementing measures for the preservation, enhancement, or restoration of salmon and other anadromous fish habitats. Such measures may include projects for acclimation ponds, feasibility studies, and habitat investigations which would further the purpose of this chapter. (Ord. 84-9-2 §7(A), 1984)

17.08.190 Alternative habitat enhancement program--Standards. The following standards shall be considered prior to the committee making a recommendation:

A. The habitat proposed to be preserved, enhanced, or restored is within a perennial or intermittent stream.

B. The Oregon Department of Fish and Wildlife has made a favorable recommendation for the project.

C. Projects where matching funds are to be provided by an eligible owner or a volunteer group shall be given the highest priority for funding.

D. The project conforms to plans and priorities of the county water resources management plan so far as applicable.

E. All necessary permits can be feasibly obtained.

F. Such other standards as the committee may deem appropriate. (Ord. 84-9-2 §7(B), 1984)