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# Federal Fisheries Service Faces Challenges

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PORTLAND, ORE. - National Marine Fisheries Service watershed management hydrologist Kate Vandemoer was disappointed in the confrontational nature of the Jan. 26 hearing in Yakima on federal fish protection rules, but said she is not giving up in working with property owners and others affected by the federal Endangered Species Act.

“The Yakima hearing was the hardest of those we conducted because of the yelling and people interrupting others,” [said] Vandemoer. “But I’m not going to run away. I’m going to carry out my responsibility to work with people in a cooperative way. I want to just keep going and hope to work with everyone in a more productive way.”

“There’s no doubt we (the fisheries service) can do better to explain the process and our intentions,” she said.

As one of those presenting information to the audience at the Yakima Convention Center, Vandemoer said some people were not allowed to fully express themselves clearly from the podium due to shouts from the audience. She said those in opposition to the rules at the other 14 hearings were able to express that opposition without shouting down other speakers.

“The Yakima hearing wasn’t clearly democratic,” Vandemoer said. “It could have been much better and really productive. It could have allowed people to really the address the issues.”

She said she can understand how frustration and concern can arise from the 60 pages of proposed protective rules that are hard to understand, noting

**most of the rules outline local fish protection programs that have gained federal approval in place of blanket federal regulations.**

The rules are set to be formally adopted by the federal government on June 19. The deadline for comment is March 6.

**She acknowledged that she faces an uphill challenge to work with numerous property owners, state and local government agencies, irrigation districts and others in the 26,739 square-mile mid-Columbia area, that includes Kittitas, Yakima and Benton counties – the Yakima River basin.**

**Vandemoer is the fisheries service coordinator for salmon recovery planning in the region.**

Although here federal agency prefers working representatives on the state level due to staff limitations, Vandemoer said efforts will be made to work with local governments and irrigation entities.

**Steelhead runs in the Yakima basin were declared threatened in March 1999 through the federal Endangered Species Act (ESA).**

Vandemoer said when a species is declared threatened or endangered, the Secretary of the U.S. Commerce Department is required to issue protective regulations – to halt the harming of listed fish runs. Harming or killing listed fish is called ‘taking’ and is explained in the ESA under Section 4(d) rules. They also outline what protection rules could be applied.

“The secretary can apply all or any of the prohibitions against take,” she said, “but **the National Marine Fisheries Service wants to do something else – approving state and local recovery programs that will take the place of the federal taking rules.**”

If these locally developed plans are approved and followed, they provide a measure of protection from third party lawsuits and charges that local governments are not complying with protections under the ESA, Vandemoer said.

“This approach is about local control. The incentive is the protection that we will stand beside you if your program is challenged,” she said. “Instead of developing some new effort to comply with the federal rules, the fisheries service approves an existing state or regional salmon recovery program that is already in place or being planned. A lot of people will find their programs are really O.K.”

**The proposed rules seek to limit damage or harm to migratory fish and their habitat. They prohibit killing fish, diverting water without fish-protecting screens, loading sediment and toxic chemicals into fish-bearing streams, and block or damming streams.** The rules also suggest changes in regionwide energy consumption for heating and travel that may affect fish.

**Vandemoer said she plans to be “very visible” in the Yakima River basin** and wants to learn as much as she can about the basin’s water and fisheries situation. She also wants to work with **state governments** to advise them on **how their recovery plans can better take the place of federal rules.**

She acknowledged that the wording of the proposed rules and the rule-approval process has not been clear and has contributed to misunderstanding. She said the controversy over a so-called “required” 200-foot buffer on either side of fish-bearing streams “is a non-issue as far as I’m concerned.”

She said that large buffer requirement only occurs in the city of Portland, Ore., urban growth program and is not required in the general fish protection rules.

Vandemoer said habitat-protecting buffers should be developed by local governments and states to fit local conditions and meet federal guidelines.

“It is what works for your particular area and local conditions,” she said.

She acknowledged the wording of the proposed rules dealing with energy use and travel by citizens is not intended to declare that rules will be issued on “how many times you turn on a light.”

**Vandemoer said the intent was to communicate a more “philosophical statement” on the connection between hydro-power generation and its impact on fish runs.**

“There was some unfortunate language in that part of the rules,” she said. “We can write a better version and I hope it will be a bit more user friendly. The language didn’t clearly convey that connection, but it was not our intent to say we will legislate power use by individual households. We all want to conserve energy and we were trying to say that common-sense efforts at energy conservation will help.”

She said she recognizes concerns expressed by Methow Valley residents about fisheries services actions last year in connection with enforcement actions. **Vandemoer is committed, she said, to prevent the rise in adversarial relationships between herself, representing the federal fisheries service, and communities in the mid-Columbia region.**

“From my perspective, I’m also concerned about the resource base and I know people making a living off the land and with the water,” she said. “I’m looking out for the fish and the water resources, and the economic and social concerns, too.”