APPENDIX C- Summary of November 17, 2007 Landowner Meeting with NOAA

Meeting Summary
Ozette Basin Property Owners Meeting
Saturday, November 17, 2007
Lion's Club, Clallam Bay, WA
12:00 p.m. – 4:00 p.m.

Meeting Purpose: To hear Ozette basin property owners' questions and comments about the Lake Ozette sockeye recovery planning process.

Note to Readers: The November 17, 2007 meeting held in Clallam Bay, Washington was organized by several residents who own land along Lake Ozette and its tributaries. The meeting was intended for private landowners who reside in the Ozette basin; therefore, neither commercial nor tribal landowners were in attendance; thus, the term "landowner" or "property owner" in this summary is specific to meeting participants and not representative of all landowners throughout the entire basin.

The meeting organizers invited NOAA Fisheries staff to attend and listen to comments and questions. NOAA Fisheries staff agreed to attend, as they had for several other meetings previously requested by other stakeholders, including co-managers and other interested parties (e.g. the Quileute Tribe, Makah Nation, Olympic National Park, and the Washington Forest Protection Association).. NOAA Fisheries staff stated during the meeting that the November 17, 2007 meeting did not constitute official public comment.

A meeting summary was prepared at the request, and with the review, of the Ozette basin landowners who attended the November 17, 2007 meeting. The summary includes their questions, observations, and any NOAA Fisheries responses. At the request of meeting participants, this summary was included as an appendix to the recovery plan. The inclusion of this summary as an appendix does not indicate NOAA Fisheries' endorsement, approval, agreement, or disagreement with the opinions expressed herein. The reader is encouraged to consult the recovery plan or the Lake Ozette Limiting Factors Analysis for information relating to physical and biological processes in the Lake Ozette watershed, and/or their impacts on sockeye salmon, that were discussed in the meeting.

Introductions, review agenda, announcements and purpose

Lake Ozette resident Ed Bowen welcomed the Ozette Basin property owners to the meeting. The meeting participants (including about 35 property owners, 4 NOAA Fisheries employees, 2 Olympic National Park employees, and 2 Triangle Associates employees) introduced themselves. The Lake Ozette Sockeye Salmon Recovery Planning process was explained briefly and Ed described what the plan does and does not entail. He explained the meeting format for questions, comments, and responses whereby all meeting participants will have a chance to speak. Ed then introduced the facilitator for the meeting, Bob Wheeler from Triangle Associates.

Bob Wheeler welcomed everyone, thanked them for coming, and explained his role in the recovery planning process (he is a contractor to National Oceanic and Atmospheric Administration (NOAA) at the firm, Triangle Associates) and at the meeting. He noted that following the meeting there will be a meeting summary available to the group.

Bob then introduced Rob Walton, Assistant Regional Administrator for Salmon Recovery, of NOAA Fisheries.

Rob explained that the role of the NOAA Fisheries individuals at the meeting was to listen to the Ozette Basin property owners. Some highlights of his introduction included:

- The role of NOAA Fisheries and other federal agencies in the implementation of the Endangered Species Act, which requires a recovery planning process.
- The Ozette Basin property owners meeting is not part of the official public hearing process of recovery planning, though input from this meeting will be considered and incorporated into the next draft of the Recovery Plan.
- The Recovery Plan is still a work in progress.
- The Recovery Plan is not a regulatory document—all actions are voluntary.
- The Recovery Plan is a roadmap about where we are and where to go, but it does not lock people into doing anything.
- Recovery plans are more effective with community input, involvement, and participation.
- Much more work will be done on sockeye salmon recovery with the upcoming implementation plan, which will be written after the Recovery Plan has been completed in 2008.

Questions, comments, and answers

According to the meeting format, each attendee was given five minutes to ask questions or make comments. If requested, NOAA Fisheries would respond to the property owner's questions/comments (*note*: shown by the "*Q*" and "*R*" in sections where questions were responded to by NOAA Fisheries or Olympic National Park staff). Additionally, background to various themes was provided by NOAA Fisheries staff. Primarily, NOAA Fisheries staff listened and took notes.

Summary of Key Issues and Concerns:

• Lake level	• Ozette River
• Large Woody Debris	• Predators' impact on sockeye
• Logging and Habitat Conservation Plans	• Commercial fishery harvest
• Who benefits from the return of sockeye?	• Sediment, including beach sediment and sources of sediment / erosion
• Multiple uses and economics—farming and logging	• What happens when the sockeye are delisted?
• Science and prioritization in the Recovery Plan	• Research and monitoring recommended in the Recovery Plan
• Concern that "voluntary" actions will lead to requirements or regulations in the future	• Recommended road changes
	• Control from outside the Ozette Basin
• Plans for other salmon species	• What are landowner rights?
• Property taking concerns	• Government trust concerns
• Hatcheries	• Recovery Plan process

Lake Levels

<u>Ozette Basin property owners' questions and comments:</u>

- Questions and concerns about flooding and property damage as a result of lake level rises if the Ozette River becomes jammed up with large wood. Is there money or compensation for losses due to flooding that would occur from implementing this Recovery Plan?
- The lake outlet is silted up with a sand bar, which ultimately floods my land. There is mud where there were sandy beaches before.
- Why are more logjams necessary for the Ozette River?
- Lake levels are higher than ever before (lake levels have risen 2-3 feet in the past 20 years).

- Built up siltation at the lake outfall will dam up the river and reduce river flows.
- Worried about raising the lake levels. It is understood that the intention is to raise lake levels to kill plants, but the lake edge is used by wildlife that forage around the lake shore for these same plants. There are 52 miles of shoreline and that should be sufficient for sockeye spawning. If you raise levels, you're impacting other species.
- Concern that the raising of the lake level is unhealthy for the lake. When lake levels are high, the lake cannot effectively drain.
- Not opposed to the fish or Olympic National Park, but opposed to raising lake levels.
- Erickson Bay is deeper than it once was. Swan Bay is covered with mud. Lake Ozette has changed. It is higher. It's already flooded, so why raise it more?
- What lake levels are necessary for the fish in Lake Ozette?
- Concerned that raised lake levels would flood family property.
- If lake flooding occurs, what will be done to protect family gravesites that surround Lake Ozette?
- Increasing lake levels will damage people's property.
- Concerned about lake levels changing.
- There is a need to open up the outlet of the Ozette River because Lake Ozette is rising.
- Lake Ozette is coming up faster, higher, and staying high longer. The water cannot get out of the lake because it's building up with mud. With logjams, fish can pass, but the water can't flow out of Lake Ozette.
- Raising the levels of Lake Ozette up is foolish.
- There is plenty of water at Lake Ozette.
- Troubles with high water and erosion already exist. Worried about Umbrella Creek. My cabin originally was built away from the beach and now erosion has caused Lake Ozette to encroach on it.
- If raising lake levels is a possibility, then the Makah Tribe and the Olympic National Park will be interested in placing large woody debris in the Ozette River. If this happens it would then be too late for landowners to respond to the resulting effects of flooding.
- The language in the Recovery Plan related to raising the lake levels needs be removed now. To leave it in there would be problematic. Research can be proposed to study the plug at the Ozette River outfall. Research on sockeye recovery could include questions like, "What percentage improvement will occur if certain actions are implemented?"
- Higher lake levels won't help the salmon's access to streams.
- Concerned about flooding.
- The Olympic National Park built the Lake Ozette campground on fill that may have affected the lake outlet to the Ozette River.

NOAA Fisheries comments related to Lake Levels: It was noted that it would be hard to conceive of raising lake levels without considering many of the important issues mentioned at the Ozette Basin Property Owners meeting. NOAA Fisheries staff indicated that they will look into including a more thorough section on information about flooding and lake levels in the Recovery Plan.

It was mentioned that one of the fundamental challenges in the recovery planning process is to address the issue of lake spawning sockeye. With respect to hydrologic restoration projects, NOAA Fisheries attendees noted that a goal would be to conduct more modeling studies to help improve the understanding of the current factors affecting lake levels on Lake Ozette. Future modeling studies could analyze how a lake level adjustment could help sockeye, and affect property owners

Ozette River

Ozette Basin property owners' questions and comments:

- The river is full of trees; don't alter a pristine river.
- The river is much higher now than in my 40 years of living here.

- Olympic National Park comments related to Ozette River: In the case of managing the Ozette River, Olympic National Park has jurisdiction.

Large Woody Debris (LWD)

Ozette Basin property owners questions and comments:

- Don't think that adding LWD will enhance the fisheries—LWD would be harmful to salmon.
- In the past the Olympic National Park dynamited logjams.
- Much of the LWD are cut wads or cut root wads. Cut wood indicates human activities.
- Wood jams are dangerous—precautions should be made for human safety.
- Blocking up the Ozette River is ludicrous. It sounds like NOAA Fisheries wants to do the reverse of the Hoh Tribe's effort to clear rivers of large wood ten years ago. Why is NOAA Fisheries doing the opposite?
- 100 years ago logjams were cleared out by Indians.
- Logjams should be removed from the Ozette River
- Landowners feel that LWD is a bad option. For phase one the Recovery Plan could focus on predators. If LWD is necessary then we should consider the impacts on landowners. A compensation package for landowners would have to be developed if LWD projects are built. It is important to know how and what happens if properties are impacted. I have great-grandparents in the area listed as "floodplain 4" in the Recovery Plan maps. How my family's concerns be addressed?
- Why not use riprap instead of LWD? Rocks are much safer and provide similar fish habitat to LWD.
- Placement of LWD might represent good science in some regions, but the Olympic Peninsula stands apart because of the large amount of rainfall. The best science fails to adequately address the rainfall and water flows that happen locally around the Ozette Basin. The peninsula is bad for large wood projects.
- Streams should be cleared of LWD.
- LWD placement is a joke.
- People have drowned by getting trapped under logjams in rivers. Safety is a concern with LWD placement in rivers.
- At Lake Pleasant landowners were asked to remove the wood debris from the shores. That was part of their Recovery Plan. Why is this Recovery Plan different? Why has the policy on LWD reversed?
- It is true that some larger logs would facilitate salmon migration.
- In the 1950s the state fisheries took all of the stumps out of the Ozette River.
- If LWD is placed in streams, it will flood land. Will you pay for the flood damage that it will cause?
- Is the Makah Tribe going to fix the bridge [that a LWD project affected]? That logjam is a mess. Will future logjams be built like this? It is important to tie the logs into the stream bed.
- Holes should be cut through LWD to allow for fish passage. Logjams on the Big River should have holes cut through them and they should be tied to the banks of the Big River to prevent blowouts.

NOAA Fisheries comments related to Large Woody Debris: NOAA Fisheries spoke about large wood placement projects, specifically where they would be most useful in the watershed, but it was noted that LWD needs to be done correctly. Additional comments included:

- It was noted that in the 1950s the Washington Department of Fish and Wildlife cleared the Ozette River of LWD.
- The working draft Recovery Plan focuses on Umbrella Creek where large wood placement opportunities were identified.
- Not as many large wood projects have been identified on the Big River.
- Large wood placements will not happen where there are farms and houses at risk on the Big River. If in the future land uses changed, one might then consider identifying additional locations for large wood placement.

Predators' impact on sockeye

Ozette Basin property owners' questions and comments:

- NOAA Fisheries was encouraged to pursue killing sea lions around the mouth of the Ozette River. It was noted that predation problems exist with sea otters.
- Squawfish (northern pikeminnow) fishing was suggested as a way to reduce the numbers of sockeye predators.
- Place a bounty on squawfish.
- Fishing for squawfish should be allowed.
- What impact are lampreys having on sockeye?
- Seals at the mouth of the river are a problem that should be addressed.
- 4,000 seals have been counted in the ocean off of the mouth of the Ozette River.
- Predator numbers need to be reduced. Seals have been spotted in Big River (3 times in the last 10 years).
- Seals have been spotted in the Big River.
- The seal population off of the mouth of the Ozette River should be at about 1/16 of what it is now.
- Cutthroat trout fishing was banned. Cutthroat trout is a predator that eats sockeye eggs.
- Concern about cutthroat being a predatory fish to sockeye and yet they cannot be caught in Lake Ozette because of Olympic National Park fishing regulations.
- Studies on the predatory fish should be conducted.
- The fish weir needs to be fixed because otters have used it to prey on fish—the Ozette River shouldn't be blocked like that.
- Predator control is necessary.
- Fish were mutilated by predators.

Q: Can we have a fishery on cutthroat trout?
R: Yes a cutthroat trout fishery could be permitted in the future. It was explained that it is a priority to understand the cutthroat trout population better. It was also noted that there would be a plan to do more research.

NOAA Fisheries comments related to predators' impact on sockeye: NOAA Fisheries recognized that there were a number of comments at this meeting related to predators' impact on sockeye. The working draft Recovery Plan contains a large section on predator control. It was explained that there has been an emphasis in the plan to address the impact of predators on sockeye and it has been included in the plan's text. Additional comments included:

- The Recovery Plan recognizes the role of predators in the different lifecycles of sockeye salmon.
- An incentive program could be developed to look at where fishing could be useful to control predators that eat sockeye. NOAA Fisheries would have to look at what strategies are successful for predator control.

- Cutthroat trout are predators.
- On the topic of marine mammal control it was noted that the Marine Mammal Protection Act has strong advocates that do not want sockeye predators like seals and otters killed. Right now a lethal take of marine mammals is prohibited, except by permit. Still NOAA Fisheries will look at appropriate methods for marine predator control.
- Big mouth minnows and cutthroat can get out of balance and it is important to determine how to rebalance the Ozette Basin system. Rebalancing the system would be an option if an entity has the money to pay for such a strategy.

Logging & Habitat Conservation Plans (HCPs)

Ozette Basin property owners' questions and comments:

- What is the Forest Practices Habitat Conservation Plan (FPHCP)? I want to know more about the HCP. What are the basic regulations that the timber industry is required to abide by? Are these regulations being enforced? Are certain properties along Umbrella Creek going to be acquired for increased habitat protection?
- I log, but leaving stream buffers is wrong and is not working.
- When windstorms occur the thin strips of stream buffers are blown down, which causes power outages. The downed trees' root wads then wash dirt into the streams, which causes a sediment problem.
- The FPHCP are state rules and regulations. Note that the FPHCP is separate from the Recovery Plan. The roads maintenance package was another element changed in 2001.
- It is a concern with the timber companies that the FPHCP is not accepted by some people on the peninsula. The timber companies have observed that those same individuals who are critical of the FPHCP hope to use the Recovery Plan to stop what timber companies are doing in the FPHCP.
- Concerned about Limiting Factors Analysis data that indicates that the FPHCP needs to be changed. A concern exists about how the Limiting Factors analysis data is used in the Recovery Plan process. Timber companies think the Recovery Plan is off the mark.
- Some streams are fouled by logging operations.
- The Recovery Plan is blaming timber and forestry, but the decline of the sockeye is a result of the netting in the Ozette River.
- Don't believe that it is all the fault of logging. Olympic National Park has not helped the sockeye either.
- Lake Ozette has been logged to death.

NOAA Fisheries comments related to Logging & Habitat Conservation Plans (HCPs):

The FPHCP directs all of the actions for private timber companies. Those actions are intended to be supportive of sockeye salmon recovery. The HCP is a key action within the plan. Forest practices are detailed in this Recovery Plan. Additionally the Washington Department of Natural Resources has an HCP that, while similar, is different from the timber companies' FPHCP. State land holdings amount to roughly 11% of the land in the Ozette watershed. Both HCPs are long term plans. Adaptive management is also included as an element in both HCPs.

Commercial fishery harvest

Ozette Basin property owners' questions and comments:

- All netting of fish should be stopped in the Ozette River and extending from the mouth of the River out 2 miles into the ocean. Nets on commercial boats should be less than 300 feet long.

- Losing good fishing ground due to timber activities.
- Sockeye don't bite on fishing lures. As a result sports fishermen don't get any value from increasing the numbers of sockeye salmon.
- Rotting fish left in delinquent nets have been observed in the Ozette River.
- Abandoned nets drifting around the lake have been problematic in the past for boating. These same abandoned nets have been observed full of unharvested dead fish.
- We need a guarantee that landowners would be able to fish for sockeye, too.
- The fishery is poorly managed.

Q: Are the tribes on the Steering Committee? Is the goal to commercialize salmon?
R: The Tribes are part of the Steering Committee. The potential for a commercial salmon harvest exists, but the point of the Endangered Species Act is to initially get sockeye off the endangered species list. Once they are delisted the fisheries will be open.

NOAA Fisheries comments related to commercial fishery harvest: NOAA Fisheries staff indicated that, to their knowledge, the federal government has never shut down an industry due to the Endangered Species Act. It was noted that the U.S. has to address its obligation to tribal treaty rights, and that is why the issue of tribal fishing is addressed in the Recovery Plan. Additional comments included:

- It was suggested that there would be a goal to improve sockeye salmon numbers so that recreational fishing is possible. It was explained that sockeye salmon are catchable with certain lures and that there is a very healthy recreational fishery in other parts of Washington State for sockeye salmon.

Sediment, including beach sediment and sources of sediment/ erosion

Ozette Basin property owners' questions and comments:

- Why do we consider additional actions that will not help so long as high levels of sediment exist?
- Can we clean the beaches?
- Need to get to the root of the sediment problem and how sediment levels will affect lake levels.
- Need to identify the source of sedimentation.
- The outlet of the Ozette River is clogged by sediment.
- All of the streams pour mud during heavy rainstorms. It used to take six hours of heavy rain before the streams would get muddy, but now it takes only two hours.
- Flushing sediment from Lake Ozette is difficult—if you restrict the river outlet more, there will be greater problems in the future. Flushing Lake Ozette helps clean gravel that is important to fish spawning.
- No quick fix to clean out sedimentation in Lake Ozette.
- There should be lower water levels in Lake Ozette in order to reduce lake sediment levels.
- The beaches have changed and are now muddier.

Facilitator comments: Bob Wheeler recapped that he heard from the group that silt is covering the gravel beds. He also noted that he heard the group explain that because the lake levels are too high the lake cannot adequately flush out the sediment that is silting up the beaches–more flow is needed in the lake. He heard the group mention erosion is another problem.

NOAA Fisheries comments related to sediment, including beach sediment and sources of sediment/ erosion: A variety of habitat conservation practices are included in the Recovery Plan, such as identifying places to improve habitat along streams. One of the broad scale portions of the working draft Recovery Plan is to reduce soil erosion. There are activities described to make sure Best Management Practices are used. Other habitat considerations include the effects on landowners' property.

Rob Walton noted that NOAA Fisheries would investigate sedimentation that plugs the outlet of Lake Ozette. The tasks include:

- Investigating the sources of sedimentation.
- Reviewing the plug's effect on sockeye, specifically as a limiting factor in inhibiting salmon migration in the Ozette River during periods of low summer flows.

Multiple uses and economics—farming and logging

Ozette Basin property owners' questions and comments:

- If the Recovery Plan is going to impact private land, how much will be paid to landowners if they can't use their land for farming or growing trees?
- All the land around the watershed is only good for logging.

NOAA Fisheries comments related to multiple uses and economics: It was emphasized that this is a voluntary plan and that actions will not be imposed on individuals.

What happens when the sockeye are delisted?

Ozette Basin property owners' questions and comments:

- What happens when the sockeye are delisted?
- If sockeye are delisted, will they be again harvested unsustainably in the future?
- Sockeye salmon will come off the list, regardless.

NOAA Fisheries comments related to "what happens when sockeye are delisted?": The benefit of delisting is the ability to have recreational fishing and to boost tourism due to increased salmon runs. It was noted that it will be important to try and figure out how to keep sockeye salmon off the Endangered Species list after it has been delisted.

Science and prioritization in the Recovery Plan

Ozette Basin property owners' questions and comments:

- We can't control Mother Nature. First you should deal with the predators. Second, erosion should be addressed, but the streamside buffers don't work because they are felled by windstorms. After they are uprooted there is nothing in the creek bottom and the sediment from the root wad moves down to Lake Ozette. The idea to retain streamside forest buffers was a good one, but it's not working.
- The simplest options should be addressed first and then we could get back to the more difficult options for sockeye salmon recovery.
- Simple issues need to be addressed.
- Important to emphasize that even if one option is not feasible, we can at least note that it is a priority.

NOAA Fisheries comments related to science and prioritization in the Recovery Plan: NOAA Fisheries staff asked property owners to look at the priority section in the working draft Recovery Plan to help prioritize or refine it. Additional comments included:

- It was acknowledged that prioritization is a very difficult issue to address.
- A Recovery Plan allows one to collect the information in order to identify what could be done.
- Another research priority is to look at lake level variability and its effects on people and fish, alike.
- Researchers decided that there may have been tributary sockeye in the Lake Ozette watershed. Lake spawning sockeye—like those found in Lake Ozette—are rare across the geographic range

of sockeye salmon, and tributary spawning sockeye are more common and thus more likely to have existed in the tributaries of the Ozette watershed.

Research and monitoring in the Recovery Plan

Ozette Basin property owners' questions and comments:

- What is the scientific plan?
- How can the knowledge of the basin's residents be included in the Recovery Plan?
- The Herrera study is flawed. More information is necessary for the Recovery Plan before acting.
- Don't we already have answers to these questions on the sockeye? Don't previous studies answer some of the questions that are necessary for recovery?
- More studies need to be initiated.
- The impacts on landowners need to be studied more.
- Puzzled about the emphasis on listing only the sockeye salmon species (as opposed to other species of salmon).
- Using research data acquired by third parties is problematic.
- Listen to the old-timers who know about the watershed.
- After additional research is completed and if it is seen that certain actions need to be included, then you can add the more controversial actions (e.g. LWD) into the plan at that time.

Q: What do sockeye eat?
R: As juveniles they eat insects, and then as they grow they eat daphnia, which are abundant in the lake. In the ocean they eat small crustaceans. They don't eat other fish. After about four years sockeye salmon return to Lake Ozette or its tributaries to spawn.

NOAA Fisheries comments related to research and monitoring in the Recovery Plan: A large section on research and monitoring is included in the working draft Recovery Plan. It would then be important to prioritize research plans given what is known and not known. This research could be a part of the adaptive management process, where management actions and priorities are modified according to new research findings. Additional comments included:

- Modeling studies could consider the social and economic effects of different Recovery Plan scenarios.
- A desire exists to understand under what conditions land would be affected. Want to figure out the impacts of flooding by studying it further. Then one could say "would we do a LWD project at this location?" With a better understanding one could consider whether or not to go forward with a specific project.
- There have been some studies conducted in the watershed. The authors of the Limiting Factors Analysis document tried to capture all of that information. NOAA Fisheries staff then attempted to include this information in the Recovery Plan.
- There is a lot of uncertainty in this plan, thus there still is a lot of research to do.

Concern that voluntary actions will lead to requirements or regulations in the future

Ozette Basin property owners' questions and comments:

- Research and monitoring is a way to subvert the timber companies' forest practices. There is a direct connection between this voluntary plan and future state rulemaking—rule makers will use the findings of this Recovery Plan, thus making recovery plan actions not voluntary.

NOAA Fisheries comments related to concern that voluntary will lead to requirements or regulations in the future: The Recovery Plan does not change what regulations authorities already have. Instead the plan simply says "if one wants to recovery sockeye, here are some things to do."

Recommended road changes

Ozette Basin property owners' questions and comments:

- Where will the money come from to build a new road that is not in the floodplain?
- Even if a new road is built, we will still have to maintain the roads that go to homes [in the floodplain where a road change is identified].
- What will happen to Bow Bridge?

Control from outside of the Ozette Basin

Ozette Basin property owners' questions and comments:

- This Recovery Plan represents city people trying to tell country people how to live.
- Not a proponent of taking Department of Natural Resources land and transferring it to the Olympic National Park. Olympic National Park is not a good neighbor—anything that goes to the Park is not good.
- Tired of King County influencing what happens in the Ozette Basin (ecologists' research, etc.).
- Note the contrast between Lake Ozette and Lake Washington (Ozette landowners have less power because of economic differences of the two places). Residents on Lake Washington would not permit changes to lake levels and they would win, whereas Lake Ozette residents do not have this kind of power.
- Olympic National Park only takes away and doesn't give back. It is perplexing as to why the Park is interested in salmon now.

Plans for other salmon species

Ozette Basin property owners' questions and comments:

- What about the stocks of silver, king, and Coho salmon? One used to be able to walk across the river because the returning salmon were so abundant.
- Numeric declines observed with all fish.
- There were few fish in the lake to begin with.

Q: Why not try to bring back other species of salmon?
R: The hope is to try to recover sockeye salmon and that the actions carried out for sockeye salmon will also help other species of salmon, too.

Property taking concerns

Ozette Basin property owners' questions and comments:

- If an annexation threat existed, logging would be sped up prior to the annexation.
- What will become of our homes?
- Worried about eminent domain.
- Concern exists about Olympic National Park forcing owners out of property in the same way that the Park did to landowners who lived on ocean.
- A hidden goal is to flood out property owners.
- There are a lot of people that don't have enough land to be compensated for losing a portion of it. There is not enough money to compensate me. Maybe some residents could be compensated, but not me.
- Against property rights losses. Willing to sue to protect rights.
- Don't take away property rights.
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NOAA Fisheries comments related to property taking concerns: The Upper Columbia River Salmon Plan was referenced as a recovery plan that addresses property taking issues and responds to questions about takings. NOAA will look at what it can include from that plan in this Recovery Plan

What are landowner rights?

Ozette Basin property owners' questions and comments:

- Now we have no rights.
- We have a lot to lose and very little to gain.
- Do homeowners have any rights to veto Recovery Plan actions?
- Concerned about the rights of property owners. Three acres of lost hay fields due to river erosion. There has to be common sense in regulations because right now they don't make sense.

Q: A bridge was lost due to flooding. There are no rights to stabilize one's own property. It is impossible to do anything without being regulated. There needs to be a contingency if something goes wrong with the plan, so that we can act to protect our property. One can resort to suing someone, but that does not help save the land. Had we been able to address the erosion problem when it began we could have avoided the flooding damages that have resulted.
R: This is a great point and that is not addressed in the Recovery Plan.

NOAA Fisheries comments related to Landowner Rights: It was noted that there is nothing about a recovery plan that will impact one's property rights.

Government trust concerns

Ozette Basin property owners' questions and comments:

- Don't trust the government, that's why we live here.

Who benefits from the return of sockeye?

Ozette Basin property owners' questions and comments:

- In response to a question about why Makah Tribal members were not present, it was noted that only landowners in the Ozette basin had been invited to this meeting.
- The natives will just net the fish.
- The Makah Tribe has written a letter supporting LWD placement in the first mile of the Ozette River. They will also be paid to do the large wood placement work. The Makah Tribe will benefit with commercial fisheries due to the plan.
- Not a proponent of the tribes—they're taking a lot more than they are giving.
- The tribe has the trump card.
- The sockeye fins are not clipped by the tribes.
- All the sockeye is for is for the Makah Tribe.
- Concern with fish overharvesting.

Q: The answer to who benefits from sockeye recovery is in the Recovery Plan. It says, "NOAA Fisheries has a responsibility to help the tribes restore fish in their Usual & Accustomed fishing grounds." This plan is aimed to help the tribes, not us.
R: The Endangered Species Act doesn't mention tribes. The statute NOAA Fisheries is implementing is the Endangered Species Act. The treaty is a different issue. NOAA Fisheries has a federal trust responsibility to uphold the treaties that the federal government signed.

NOAA Fisheries cannot address treaty concerns. The goal is to get the fish off the Endangered Species Act list. The goal is to remove the limiting factors that affect sockeye in a way that does not affect stakeholders.

Q: The tribe acts like they own this area. Who oversees them? Who regulates them? They do what they please.
R: The tribes are still subject to Endangered Species Act regulations; they had to undergo three years of Endangered Species Act review for the approval of the Ozette hatchery.

Facilitator comments: Bob Wheeler then said, "We need to say recovery is not just for the tribes, but for the citizens that are there." The plan mentions that recovery of sockeye is an issue not only for the tribes but for landowners and that when delisted there could be a recreational and commercial fishery.

Hatcheries

Ozette Basin property owners' questions and comments:

- Why not build more hatcheries? Why can't we just consider them recovered with the help of hatcheries?
- Doubts that there were many fish in the river or lake to begin with. I don't see where the big need is to invest the time and energy to increase their numbers.
- The hatchery is working.
- In 41 years I have never seen as many sockeye in Big River as in the past four years. It was noted that the most recent fish counts have trended upwards.

Q: Why not make a trial program for putting hatcheries in additional creeks?
R: There is a debate about the benefits of having too many hatchery fish in the Ozette sockeye salmon population.

Q: Are hatchery fish not as good?
R: Salmon fitness (health) problems are often higher in hatchery fish.

NOAA Fisheries comments related to hatcheries: Hatchery supplementation supported by the Makah Tribe has attempted to create a reserve population for Lake Ozette sockeye salmon. It is a short-duration program (12 years) and then it will end. After that program the plan has longer term actions, such as possibly seeding the beaches with eggs. This strategy is not something that is favored—there are other ideas to work on before pursuing this strategy further.

Recovery planning process

Ozette Basin property owners' questions and comments:

- 35 years ago we went through some problems with Olympic National Park. We hope that this meeting isn't a waste of our time, but we think it will be.
- Don't see the worth of meetings.
- Against the plan—would like to not see it implemented.
- There must be common ground between the different groups in the Ozette Basin.
- Can the summary of this meeting be placed in the plan appendix? That way it is part of the record.

- This meeting resembles a previous [non sockeye recovery plan] meeting held in Forks. People come to talk to landowners, but not to listen. A desire exists to have some assurance that landowners are being heard and listened to.
- Parallels observed in the Recovery Plan process to taking down the dams on the Elwha River. Both processes are intended to help salmon and both are unnecessary.

Q: What does "voluntary plan" mean?
R: We are providing options for whoever wants to work on projects to restore salmon. For example if I wanted to install a LWD project, it would have to go through a review process.

Q: How would I know if I would be listened to?
R: As an example, the Upper Columbia Recovery Plan provides a section for responses to comments and questions. We will provide official responses to questions and comments in this plan, as well.

Q: What is the use of getting more money if the Recovery Plan isn't what we want?
R: We are trying to make the best plan via, public comment, technical review, peer review, national publication, etc.

Explanation of Recovery Plan process by NOAA Fisheries

During the meeting NOAA Fisheries staff was asked to provide an explanation of the plan for meeting participants. They explained that according to the Endangered Species Act NOAA Fisheries is required to write the Recovery Plan. The Endangered Species Act requires NOAA Fisheries to:

- figure out what are the factors affecting (limiting) the sockeye salmon.
- have a technical science team to determine how many sockeye salmon are needed for a self-sustaining population.
- develop an overall strategy for achieving the goal of sockeye salmon recovery (e.g., predator control, habitat improvement, etc).
- determine site specific actions for the Recovery Plan.
- try to answer what is the range of strategies and actions that can be implemented. Not to say that all of those strategies and actions should be carried out, but it is important to have the roadmap to move forward, if so desired.

Additional NOAA Fisheries notes:

- The advantage of having a Recovery Plan is that it puts the area in question on the top of a list for receiving salmon recovery funding dollars. Without a Recovery Plan, one does not have the leverage to compete with other places across the region for salmon recovery funding.
- Essentially, a recovery plan helps to organize and coordinate issues that need to be addressed for recovery to move forward.
- The Recovery Plan does try to take a look at the Ozette Basin community. NOAA Fisheries staff asked the Ozette Basin property owners to look through the Recovery Plan to see if the plan does in fact adequately addresses the community.
- NOAA Fisheries has been meeting with the Lake Ozette Sockeye Steering Committee—a group made up of property owners, timber companies, tribes, individuals, and county and state

agencies—for the past couple years to determine what is the vision for the future that includes not only more sockeye salmon, but also for the Ozette Basin's culture, community, and economy.
- Now the Recovery Plan is a working draft and when the draft Recovery Plan is published in the federal register public input will be sought. The final Recovery Plan is intended to be completed by the end of 2008. It was noted that even after the plans are "finalized" they can be modified.
- Time and cost estimates have to be included in the plan. The implementation plan was briefly described, specifically how the implementation plan would then choose from the "menu" of voluntary actions originally identified in the Recovery Plan.

Meeting closing and prioritization

Bob Wheeler explained that there has been no prioritization in the Recovery Plan so far. Rosemary Furfey of NOAA Fisheries affirmed this, and explained the plan is the menu from which one can choose recovery strategies and actions and that one would fine tune the actual actions in order to carry them out at the implementation planning stage. The meeting participants expressed a desire to vote on their priorities. Through their discussions the following were priorities from the meeting participant's standpoint:

- Do not increase Lake Ozette lake levels[8]
- Predator control
- Open the Lake Ozette plug to return the lake to its natural flow regime
- Develop a notification system between NOAA Fisheries and the landowners (increase communications)
- Allow recreational fishing in Lake Ozette
- Increase hatchery capability

Ed Bowen agreed to keep up-to-date sockeye salmon Recovery Plan documents at the Clallam Bay Library.

At 4pm Bob Wheeler closed the meeting and thanked the Ozette Basin property owners

Attachment: Ozette Community Questions (Provided to NMFS as a handout at the Ozette Basin Property Owners Meeting)

"OZETTE COMMUNITY QUESTIONS"

November 17, 2007

I. Why was 50 years chosen for the time period of this recovery plan?

II. What process stipulated that NOAA Fisheries was the responsible agency for the ESA recovery of this sockeye population, located in a freshwater inland environment, instead of USFWS or the National Park Service?

III. Who are the co-managers of this recovery plan? ONP?

[8] In subsequent conversations, Lake Ozette property owners affirmed that not increasing lake levels in Lake Ozette is their highest priority.

i. Has NMFS/NOAA conducted individual co-manager meetings with other entities, such as WDFW?
ii. Why hasn't NMFS/NOAA conducted site visits with the landowners to identify issues directly?
iii. How does this plan's level of involvement from the local area compare to plans created elsewhere in Washington State?
iv. List what public outreach has taken place to date on this recovery effort.

IV. Is NMFS/NOAA committed to making this recovery plan transparent and open to the local community and affected landowners by insuring the following actions:

i. Developing a mailing list of all landowners in the Ozette basin for direct contact from NMFS/NOAA?
ii. Make available copies of the completed plan, including all referenced research and appendixes to all?
iii. Soliciting comments from these affected landowners, either by direct mail or private group meetings, and incorporating them into direct changes in the plan?
iv. Notifying affected landowners of any future updates to this plan for review, comment and editing prior to implementation?
v. How can NMFS/NOAA develop a working relationship with the landowners to allow mutual efforts to benefit the recovery of this sockeye population, while meeting the needs of the landowners and protecting their rights, especially from retaliatory actions as a result of speaking out at this time?

V. How will the recovery plan protect the cultural resources of the Ozette basin to include:
   i. Protection of the homesteads and historical features, such as the cemeteries, from recommendations such as floodplain connectivity actions?
   ii. How will this recovery plan evaluate and minimize it's affects on cultural resources so as not to be in conflict with protections to those resources such as applications to the National Historic Register?
   iii. Have plans for moving the Hoko-Ozette road considered the historical significance of this particular roadway?

VI. How will NMFS/NOAA address the resulting legal issues from this recovery plan?
   i. Why does the plan not mitigate the TAKE clause of the US Constitution's Fifth Amendment?
   ii. What legislative actions, or changes to the law, need to be suggested or an action in this plan; for example, regarding predation or environmental alterations within a wilderness designated area?
   iii. How will this plan balance Tribal Rights and judgments that conflict with Citizens US Constitutional Rights?
   iv. Is it appropriate to conduct an ESA recovery plan for the eventual commercial profits for any group? If so, explain the authority for taking that bigger step?
   v. What safeguards and recourse will the plan provide when implemented actions fail and actually cause harm to private landowners?

VII. How can these identified flaws within this recovery plan be fixed?
   i. Why doesn't the plan reflect the desires/vote of the LOSC to assess what lake levels – both higher and lower – would be most beneficial to the recovery efforts?
   ii. Can the plan reflect what actions, or lessons learned in the Ozette basin have been successful in improving conditions for the recovery efforts?
   iii. Can the plan address the limited amount of growth in the basin as a component of identifying current land uses?
   iv. Will the plan include solutions to new problems created during implementation, such as LWD projects restricting fish passage due to low instream flows (Kitsap County, Chico Creek, Log Steps/Chum issues)?
   v. Will the plan's recommended LWD projects create restrictions on both current and future water rights?
   vi. Why are unpublished or non-peer reviewed reports/references incorporated throughout this plan?
   vii. Why were other proposed actions not incorporated, discussed to not include, or at least captured as an appendix of additional actions considered but not supported?
   viii. NMFS/NOAA Fisheries has stated that as time progresses, the tributary spawners will change (diverge) in their likeness (genetics) to the lake spawners. At some point the tributary spawners will become less of an option for protecting the Ozette sockeye from becoming extinct and it will be solely dependent on the lake spawners. What is the anticipated point in time this will occur and will the plan take a dramatic change in how/what population it is obligated to recover?

VIII. Should the plan take into consideration…….
   i. Toxic runoff to salmon habitats i.e. significant findings from the NOAA Coastal Storms Program?
   ii. Effects of environmental contaminant exposure on salmonid fertility and overall spawning success?

iii. Direct economic impact on all landowners (and individually) themselves within the Ozette basin? Can a period of time be specified for conservation easements/lease in-lieu of outright acquisitions?