

**Exhibit E**  
**Southern Resident Orca Endangered  
Species Management Plans**  
**Amended Attachment 1: Agenda Item  
Summary**  
**August 15, 2025**

**Updates to page 3 & 4:**

- Address potential vessel disturbance of SRO

ODFW intends to monitor implementation....



## AGENDA ITEM SUMMARY

### Southern Resident Orca Endangered Species Management Plans

August 15, 2025

#### ISSUE 1

Approval of endangered species management plans for state land-owning or managing agencies with a role to play in Southern Resident orca conservation.

#### BACKGROUND

Southern Resident orcas (SRO; *Orcinus orca ater*) were listed as endangered under the Oregon Endangered Species Act (OESA) in February 2024 by the Oregon Fish and Wildlife Commission (Commission). An OESA listing primarily affects management decisions made on state-owned, managed, or leased lands, including lands where state agencies hold recorded easements. For the purposes of the OESA, lands include state waters. The Commission also adopted survival guidelines for SRO (OAR 635-100-0138; Attachment 2), which are quantifiable and measurable guidelines necessary to ensure the survival of individual members of the species. They serve as interim protection measures until endangered species management plans are completed by applicable state land-owning or managing agencies (OAR 635-100-0130).

In June 2024, the Commission determined that the Oregon Department of Fish and Wildlife (ODFW, Department), Oregon Department of State Lands (DSL; proprietary programs), and the Oregon Parks and Recreation Department (OPRD) own or manage lands where SRO or their habitat are found and that the agencies can play a role in SRO conservation. Each of these agencies must determine the role its land will serve in SRO conservation (ORS 496.182(8)(a)(B); OAR 635-100-0140(6)). This role may include, but is not limited to:

- *Conservation*—Defined in OAR 635-100-0100(2) as the use of methods and procedures necessary to bring a species to the point at which the measures provided under ORS 496.171 to 496.182 are no longer necessary;
- *Contributing to conservation*—Agency actions make an important contribution towards conservation of the species but not to the degree under a conservation role; and
- *Take avoidance*—“Take” defined in OAR 635-100-0100(14) as to kill or obtain possession or control of any species on the state list.

In determining this role, the agency should consider the survival guidelines adopted by the Commission, information provided by ODFW on the species’ conservation needs, the social and economic impacts to the state of implementing conservation measures, and the agency’s statutory obligations. An agency may identify more than one role for itself, reflecting different ties between the agency’s multiple responsibilities and the conservation needs of the species.

Within 18 months of the listing decision, each agency is required to develop an endangered species management plan (ESMP) for SRO (ORS 496.182(8)(a)(C); OAR 635-100-0140(6)). The ESMP must, at a minimum, address the elements outlined in OAR 635-100-0140(6)(a-g):

- (a) What state land is covered by the plan;

- (b) The agency's role in conservation of the species and how it determined that role;
- (c) Management actions taken by the agency to achieve its role;
- (d) Whether the agency will monitor implementation of its plan, and if so, how and when;
- (e) Whether the agency will reassess and review its plan, and if so, how and when;
- (f) How the agency's plan relates to other state agency ESMPs, federal recovery plans, and other recovery efforts; and
- (g) How the agency's plan was developed.

Each agency's ESMP will be submitted to the Commission for review and approval. If the Commission determines that, based on the biology of the species, the plan does not achieve the role defined by the agency, the Commission may (in consultation with the agency) modify the plan to be consistent with the role (OAR 635-100-0140(6)(h)). The Commission must approve the ESMP as submitted or modified within 24 months of listing. **At this time, ODFW staff are seeking the Commission's approval of the ESMPs submitted by the state land-owning or managing agencies with a role to play in SRO conservation (Attachments 3a, 3b, and 3c).**

## PUBLIC INVOLVEMENT

- ODFW met with key stakeholders to answer questions on the development of its ESMP.
- The Department sent out a news release with a link to its draft ESMP for review by stakeholders and other interested persons.
- The Department held a public meeting to receive feedback on its draft ESMP.
- DSL and OPRD followed their agencies' respective review processes for their ESMPs.
- The three draft ESMPs were available on ODFW's website by July 23 to allow for additional public review prior to the Commission meeting.
- All materials for the Commission's review, including this Agenda Item Summary, were posted to the ODFW website to provide the public with the opportunity to review the materials and provide comments prior to (in writing, see Attachment 5) or (orally) during the August 15, 2025 Commission meeting.

## ANALYSIS

The following summarizes each agency's ESMP:

**Oregon Department of Fish and Wildlife:** ODFW manages fisheries in state waters off the Oregon Coast where SRO or their habitat are found. Actions on Department lands such as fish hatcheries may also affect SRO since some hatcheries produce Chinook salmon that are an important prey species. ODFW's role with respect to SRO was defined as "contributing to conservation." The Department identified several management actions to achieve its defined role that were divided into two categories: 1) maintain current actions, and 2) implement new actions.

Maintain current actions:

- *Restore salmon habitat*—ODFW staff work with both public and private partners to protect and improve salmon habitat throughout the state, which is critical to the recovery of wild salmon populations and helps ensure sufficient prey for SRO in the long term.

- *Improve fish passage*—The Department will continue to improve passage conditions for juvenile and adult salmonids by removing barriers, screening water diversions, and working to increase survival at hydroelectric dams on the Columbia and Snake rivers.
- *Support fishery management that considers the prey needs of SRO*—ODFW supports measures in regional fishery management frameworks that help ensure an adequate prey base for SRO by reducing harvest of key Chinook stocks, especially when abundance levels are low.
- *Maintain existing hatchery salmon production*—The Department releases approximately 20 million Chinook salmon annually from Columbia River hatcheries that, as adults, can provide an important source of prey for SRO. ODFW is working to ensure that Oregon's hatcheries can continue to produce these salmon in the face of funding uncertainties, aging infrastructure, and impacts from climate change.
- *Manage predation on salmonids*—The Department will continue to manage predation on juvenile and adult salmonids to help support recovery efforts.
- *Address contamination of SRO prey*—ODFW will continue to work closely with the Oregon Department of Environmental Quality (DEQ) to reduce contamination of Oregon's waterways and salmon.
- *Protect SRO from project impacts in the Oregon Territorial Sea*—ODFW and other state agencies review proposed projects in Oregon's territorial sea to avoid or minimize adverse impacts to the state's natural resources. Department staff will continue to use the best available information on SRO migratory habits along the Oregon Coast to recommend appropriate work windows and mitigation measures.
- *Respond to oil spills and releases of other hazardous substances*—ODFW works with DEQ, the National Marine Fisheries Service, and Washington State partners to ensure that effective measures can be utilized to protect SRO and other marine life from spills of oil and other hazardous substances. In the event of a spill, ODFW would implement actions outlined in the Northwest Area Contingency Plan.
- *Continue current outreach and education efforts for SRO*—ODFW began implementing outreach and education actions for SRO soon after the state listing, including development of a dedicated SRO web page and use of social media and media interviews to disseminate information on SRO. The Department will continue to maintain these core outreach efforts.

Implement new actions:

- *Potentially increase hatchery Chinook production*—ODFW will evaluate whether it is logistically and financially feasible to enhance hatchery Chinook production and increase the amount of prey available to SRO.
- *Implement new outreach and education efforts for SRO*—The Department will look for opportunities to collaborate with other state agencies and nonprofit organizations to increase awareness of SRO in Oregon, and will encourage people to volunteer for restoration projects that help improve salmon habitat.
- *Address potential vessel disturbance of SRO*—Since boats in Oregon's marine waters may encounter SRO, ODFW plans to address potential vessel disturbance of SRO by increasing boater awareness of the impact that vessels and noise can have on SRO, and by working with the Oregon State Marine Board to assess the need for a vessel set-back regulation in Oregon waters.
- *Partner with researchers to collect data on SRO presence off the Oregon Coast*—ODFW will seek opportunities to partner with researchers to learn more about SRO movements along the Oregon Coast. This information would help state agencies to better manage activities in Oregon's territorial sea.

ODFW intends to monitor implementation of its ESMP and will provide updates on its website as information becomes available. The Department will also convene an annual meeting with the other state agencies involved in SRO conservation (both land-owning and non-land-owning) to review progress, align priorities, and ensure that Oregon's management actions are implemented in a coordinated manner. The Department will review and reassess its ESMP as needed—e.g., if the conservation needs of SRO change or funding becomes available to increase ODFW's conservation efforts for SRO.

**Oregon Parks and Recreation Department:** OPRD owns and manages over 80 state park properties (including waysides) along the Oregon Coast adjacent to or slightly overlapping with SRO habitat. This includes the 362-mile-long Ocean Shore State Recreational Area (Ocean Shore), which encompasses Oregon's beaches from the vegetation line to extreme low tide. Activities in the Ocean Shore between high and extreme low tide have the potential to impact SRO. Additionally, OPRD operates the Whale Watching Center in Depoe Bay and coordinates the Oregon Whale Watch program, providing an excellent opportunity to conduct outreach and education activities for SRO. OPRD's roles with respect to SRO were defined as both "take avoidance" and "contributing to conservation." The agency identified the following ongoing management actions to achieve its roles.

Take avoidance:

- *Pre-project consultation and scoping as part of the Oregon Territorial Sea Plan*—OPRD, along with other state agencies, reviews permit applications for proposed projects in Oregon's territorial sea. These reviews help to avoid or minimize impacts on SRO from noise or contaminants associated with projects in the Ocean Shore that are connected to the territorial sea (e.g., cable landings and outfalls).
- *Assessment of habitat and potential effects for management planning, policy development, rulemaking, and project reviews*—When reviewing permits for activities in the Ocean Shore that could potentially affect SRO, OPRD will coordinate with ODFW on the optimal timing of activities to avoid or minimize impacts to SRO and will generally take a cautionary approach when the effects are unknown or disputed.

Contributing to conservation:

- *Beach management*—OPRD rangers patrol and monitor beaches accessible by vehicle, removing marine debris such as nets, ropes, and crab traps that could become entanglement hazards for SRO in the ocean. In addition, OPRD partners with nonprofit organizations to conduct coastwide beach cleanups, including in areas not accessible by vehicle. Because of their regular presence on beaches, rangers may also be the first to respond to marine mammal strandings or spills of oil or other hazardous substances.
- *Outreach and education*—OPRD will support outreach and education activities that help increase awareness of SRO and the threats they face by providing information to the public at the Whale Watching Center and at Whale Watch Week viewing sites in coastal state parks and waysides. The agency will also coordinate with ODFW to provide the latest information on SRO at whale watch volunteer trainings.

OPRD does not plan on actively monitoring implementation of its ESMP. However, the agency will revisit the plan every 10 years to assess its effectiveness and may revise it if there are: 1) changes in understanding of SRO biology related to OPRD's management of the Ocean Shore, 2) listing changes for SRO, 3) catastrophic disturbances that change nearshore habitat, or 4) changes to Ocean Shore management responsibilities, including updates to coordination requirements under the Oregon Territorial Sea Plan.

**Oregon Department of State Lands (proprietary programs):** As the State Land Board’s administrative agency, DSL holds proprietary (ownership) authority for most submerged and submersible lands within Oregon’s territorial sea. This includes issuing leases and authorizations (e.g., easement and special use authorizations) for development projects that could impact SRO. DSL’s role for its proprietary programs with respect to SRO was defined as “contributing to conservation”; however, some agency actions may be closer to “take avoidance” (e.g., limiting cable installation activity to those months when SRO are unlikely to be in the territorial sea). The agency identified the following ongoing management actions to achieve its role:

- *Leases and authorizations*—DSL will consider SRO conservation needs during the authorization process for proposed projects such as renewable energy facilities and undersea infrastructure (e.g., cables, pipelines, and other utilities) in the territorial sea.
- *Joint Agency Review Team (JART)*—As the state’s lead agency for the JART, which reviews proposed modifications to the sea floor and marine energy development (Oregon Territorial Sea Plan, Parts 4 and 5), DSL will ensure that SRO conservation needs help to inform the review process.

DSL will monitor implementation of its ESMP using existing reporting formats, which are sent to the State Land Board and published on the agency’s website. DSL will review the management plan if there are significant changes to SRO population status or conservation needs, or changes in DSL’s ability to contribute to SRO conservation or in the agency’s jurisdiction and management responsibilities.

### **Conclusion:**

The three land-owning or managing agencies with a role to play in SRO conservation developed and submitted their ESMPs for SRO as required and within the specified timeline. All of the management plans covered the key elements outlined in OAR 635-100-0140(6)(a-g) and are consistent with the role(s) identified by the agency.

## **OPTIONS**

1. Approve the endangered species management plans submitted by the three land-owning and managing state agencies to achieve the role defined by each agency for the conservation of Southern Resident orcas.
2. Modify ODFW’s ESMP and/or request a change to OPRD or DSL’s ESMP.

## **ISSUE 2**

SRO conservation memoranda from the state non-land-owning agencies are for informational purposes only and no Commission action is necessary on this issue.

## **BACKGROUND**

In March 2025, the Commission determined that five state non-land-owning or managing agencies—Oregon Department of Environmental Quality (DEQ), Oregon Department of Land Conservation and Development (DLCD), Oregon State Marine Board (OSMB), Oregon State Police’s Fish and Wildlife Division (OSPFWD), and DSL (non-proprietary component)—have a role in SRO conservation. These agencies are not required to prepare an ESMP but do need to provide the Commission with written documentation of their agency’s role and the actions it can take to support SRO conservation. There is no timeline for completion of these documents and no Commission action is needed on them. Together with the land-owning agencies, non-land-owning agencies will be an important part of Oregon’s conservation efforts for SRO.

## PUBLIC INVOLVEMENT

- Memoranda from the state non-land-owning agencies (Attachment 4) were posted to the ODFW website to provide the public with the opportunity to review the materials and provide comments prior to (in writing, see Attachment 5) or (orally) during the August 15, 2025 Commission meeting.

## ANALYSIS

The following summarizes each agency’s memorandum:

**Oregon Department of Environmental Quality:** DEQ’s Air, Land, and Water Quality divisions manage programs that carry out the agency’s work of protecting and improving Oregon’s environmental quality. Several of these programs address issues that have a direct or indirect impact on SRO or their prey. DEQ’s role was defined as “contributing toward conservation” with respect to three of the population threats outlined in the SRO survival guidelines: 1) prey availability, 2) environmental contaminants, and 3) oil spills. The agency identified the following ongoing actions to achieve its role:

Prey availability:

- *Protect water quality*—DEQ establishes and implements water quality standards to protect Chinook salmon and other aquatic life.
- *Improve environmental conditions*—The agency works to improve environmental conditions through watershed management actions, cleanup, and regulation of pollutant discharges from both point and nonpoint sources.
- *Improve fish passage*—DEQ develops and implements water quality management plans that facilitate fish passage improvements for Chinook salmon in the Columbia River and Klamath River basins through certification requirements and collaborative efforts with federal dam operators.

Environmental contaminants:

- *Contaminant monitoring and assessment*—DEQ monitors, assesses, and reports on the presence and severity of environmental contamination and pollution.
- *Contaminant reduction*—The agency works to reduce environmental contamination through:
  - Cleanup and remediation of contaminated sites

- Reduced use of toxics and safe management of petroleum and other hazardous waste
- Regulatory mechanisms such as certifications and permits
- Non-regulatory mechanisms, including administration of grant programs, nonpoint source program planning, and collaborative partnerships

#### Oil spills:

- *Emergency response planning*—DEQ’s Emergency Response program in the Land Quality Division plays a lead role in preparing emergency response plans for oil and other hazardous substance spills in Oregon.
- *Emergency response coordination*—The agency coordinates emergency response activities in the event of an oil spill or release of other hazardous materials, including implementation of wildlife response protocols for SRO and other orcas.

DEQ will monitor its contributing actions using existing monitoring and reporting mechanisms and will work with ODFW to identify opportunities to track specific actions that contribute to SRO conservation. The agency conducts regular reviews of program activities and plans and will reassess its contributing actions as future needs, opportunities, and resources to integrate SRO conservation actions into these programs are identified.

**Oregon Department of Land Conservation and Development:** DLCD’s Oregon Coastal Management Program (OCMP) works to ensure that development of Oregon’s coastal zone occurs in a responsible manner that protects and restores natural resources while supporting coastal economies and resilience. The OCMP coordinates the work of the Oregon Ocean Policy Advisory Council (OPAC), which provides advice to the Governor, state agencies, and local governments on ocean policy and resource management. Also, through the federal consistency review process, OCMP ensures that Oregon’s interests are considered when federal activities are proposed in waters off the Oregon Coast. Both OPAC and federal consistency can help address the potential impacts that noise or other factors associated with proposed development projects in Oregon’s territorial sea may have on SRO. DLCD determined that “contribution toward conservation” is the role it will take regarding SRO conservation. The agency identified the following ongoing management actions to achieve its role:

- *Coordination of state agencies and policies*—DLCD coordinates the processes for decision-making and policy formulation related to development in the territorial sea.
- *Land use planning*—As the lead state agency for land use planning, DLCD guides planning in estuaries and the marine environment that can help to protect and improve habitat for Chinook salmon.
- *Outreach and education*—To increase awareness of SRO and their conservation needs, the agency could facilitate informational presentations at Coastal Planners Network meetings and coordinate on Rocky Habitat conservation planning and goals.

While DLCD does not intend to directly monitor its management actions, the agency is committed to participating in annual meetings with other state agencies involved in SRO conservation. In addition, DLCD plans to reach out to ODFW to initiate an updated State Agency Coordination Agreement to address issues such as ocean acidification and hypoxia which could have a major impact on marine food webs and SRO. The agency will revisit SRO conservation actions adaptively, as needed.

**Oregon State Marine Board:** OSMB has the authority to regulate boating in Oregon waters, including special operational regulations for the protection of fish and wildlife. In addition, the agency can communicate messaging on SRO conservation to recreational boaters and commercial whale watching charters and incorporate SRO conservation training into the Marine



Law Enforcement Academy. OSMB's role was defined as "contributing towards SRO conservation." The agency identified the following actions to achieve its role:

- *Outreach and education*—OSMB plans to collaborate with ODFW to educate boaters on vessel and noise disturbance of SRO. The agency will also work with contracted marine law enforcement partners to conduct outreach activities on the water.
- *Implementation of a potential regulatory framework*—As the state agency with the authority to implement boating regulations in Oregon waters, OSMB would play a key role if a future regulatory framework is necessary to contribute to SRO conservation.

OSMB will monitor actions by documenting all outreach and education efforts (e.g., email and social media messaging and informational handouts provided at events). The agency will also survey marine law enforcement partners to collect information on boater interactions with SRO that could be useful in determining the need for potential future regulations. OSMB recommends annual or biannual check-ins with ODFW and OSPFWD to discuss incidents or documented reports of SRO impacts from vessel or noise disturbance.

**Oregon State Police - Fish and Wildlife Division:** OSPFWD ensures compliance with the laws and regulations that protect and enhance Oregon's fish and wildlife and their habitats. The agency identified two roles for itself in SRO conservation: 1) "take avoidance", and 2) "contribution toward conservation". OSPFWD will take actions in the following key areas to achieve its roles:

- *Vessel disturbance*—OSPFWD plans to help increase boaters' awareness of vessel impacts on SRO by conducting marine patrols at times when SRO are in Oregon waters and by responding to complaints reported by the public.
- *Fishery management*—The agency will continue to enforce salmon fishery regulations, including harvest limits and seasonal restrictions, to protect potential prey for SRO.
- *Outreach and education*—OSPFWD plans to educate the public on viewing guidelines for orcas and any potential future regulations as opportunities arise, including outreach at events such as Sportsman's Shows.
- *Contaminant reduction*—The agency will continue to enforce Oregon's environmental laws and regulations to minimize contamination of waterways and salmon.
- *Agency collaboration*—OSPFWD will collaborate with other state and federal agencies involved in SRO conservation and address SRO-related issues as they are identified.

OSPFWD plans to work with ODFW to monitor, assess, and review actions connected to SRO-related enforcement, as needed and with no specific timeline.

**Oregon Department of State Lands (non-proprietary program):** Because DSL was required to prepare an ESMP for its proprietary programs, in lieu of a separate memorandum, the agency included documentation for its non-proprietary program in its management plan (see Attachment 3b). DSL's removal-fill permitting program is the agency's non-proprietary (regulatory) component with a role to play in SRO conservation and can help protect SRO prey, prevent environmental contamination, and address potential noise disturbance of SRO. DSL's role for its removal-fill program was defined as "contributing towards conservation." The agency plans to achieve this role through the following ongoing management practice:

- *Removal-fill permitting*—DSL will ensure that SRO conservation needs help inform the removal-fill permit application process for project activities that move materials in state waters (e.g., grading or dredging), including in streams designated as Essential Salmonid Habitat, and submersible and submerged lands within the territorial sea.

DSL plans to monitor implementation of its non-proprietary actions using existing procedures and will review them if there are significant changes to SRO population status or conservation needs, or changes in DSL's ability to contribute to SRO conservation or in the agency's jurisdiction and management responsibilities.

## **OPTIONS**

1. N/A
2. N/A

## **STAFF RECOMMENDATION: ISSUE 1**

1. Approve the endangered species management plans submitted by the three land-owning and managing state agencies to achieve the role defined by each agency for the conservation of Southern Resident orcas.

## **STAFF RECOMMENDATION: ISSUE 2**

1. N/A

## **DRAFT MOTION ISSUE 1:**

I move to approve the endangered species management plans submitted by the three land-owning and managing state agencies to achieve the role defined by each agency for the conservation of Southern Resident orcas.

**Effective Date:** Date here or *Upon Filing*