Exhibit E

Supplemental Public Correspondence Received as of July 29, 2025

July 28, 2025

To: Howard Takata, Oregon Department of Fish and Wildlife
Laurel Hillmann, Oregon Parks and Recreation Department
Andrea Hanson, Oregon Parks and Recreation Department
Nataliya Stranadko, Oregon Department of State Lands
Dana Hicks, Oregon Department of State Lands
Kaegan Scully-Engelmeyer, Department of Environmental Quality
Connie Dou, Department of Environmental Quality
Andy Lanier, Department of Land Conservation and Development
Lisa Phipps, Department of Land Conservation and Development
Phil Hudspeth, Oregon State Marine Board
Alan Hanson, Oregon State Marine Board
Lieutenant Ryan Howell, Oregon State Police

CC: Oregon Fish and Wildlife Commission

Re: Southern Resident Orca Conservation Plans

On behalf of the signatories of this letter, we respectfully ask the three land owning or managing agencies and the five non-land owning or managing agencies (collectively "the agencies") who have a role to play in Southern Resident Orca (SRO) conservation to incorporate the following into the development or refinement of their respective SRO conservation plans,[1] where applicable.

Management actions to be taken – We recommend the agencies identify specific actions to be taken. For example, an agency could propose rule amendments to account for SRO recovery, or an agency could state they will develop a plan to account for SRO or the major threats to their recovery when issuing certain permits or setting certain guidelines. We also recommend that the agencies identify actions that can be taken immediately and those that can be implemented in the event the agencies acquire additional capacity, either through increased funding or additional staff.[2] Finally, we recommend agencies incorporate adaptive management strategies to refine actions during plan implementation.

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[1] OAR 635-100-0140 (Endangered Species Management Plans for State Land Owning or Managing Agencies); OAR 635-100-0150 (Endangered Species Requirements for Agencies Other than State Land Owning or Managing Agencies).

[2] *See e.g.*, Section 4 "ODFW Management Actions Contributing to SRO Conservation." *Oregon Department of Fish and Wildlife Endangered Species Management Plan for Southern Resident Orcas (Orcinus orca ater),* Oregon Dep't of Fish & Wildlife (August 2025) https://dfw.state.or.us/MRP/mammals/docs/SRO%20Endangered%20Species%20Management%20Plan_ODFW_DRAFT_061825.pdf

Monitoring – We recommend that the agencies identify and include measurable, outcome-based indicators and goals specific to SRO population recovery throughout relevant sections of their plans. The inclusion of these indicators will enable the public and agencies to evaluate the effectiveness of specific actions related to SRO recovery.

Coordination of plans – We recommend that the agencies clearly define how they will work in coordination to ensure all eight plans are integrated. This coordination could involve joint planning, data sharing, and shared implementation timelines. Moreover, we encourage the agencies to collectively convene recurring meetings or workshops to review progress, align priorities, and adapt strategies based on each agency's role, capacity, and available resources. We believe regular coordination amongst all agencies along with the public, academia, and NGO stakeholders will be critical to maximizing the effectiveness of Oregon's collective recovery efforts. We also believe that interagency coordination is essential to avoid a siloed approach and to ensure that efforts are complementary, not duplicative, or conflicting.

Once the Oregon Fish and Wildlife Commission approves an agency's endangered species management plan (ESMP), the agency's plan will supersede the survival guidelines for SRO.[3] We regard the survival guidelines as a floor, not a ceiling; they are also intended to be temporary protections ESMPs are adopted. To that end, the ESMPs must be at least as protective as the survival guidelines. Given that these ESMPs are informed by each relevant agency's expertise, they should be significantly more protective and specific than the general survival guidelines.

Sincerely,

Ian Giancarlo
Oceans Advocate
Environment Oregon

Cindy Hansen
Education & Advocacy Coordinator
Orca Network

Amie Kusch
Master's Student, Marine Affairs
University of Washington

Colin Reynolds
Senior Advisor, Northwest Program
Defenders of Wildlife

John Rosapepe
Pacific Northwest Representative
Endangered Species Coalition

[3] https://regulations.justia.com/states/oregon/chapter-635/division-100/section-635-100-0138/.

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August 7, 2025

Ms. Mary Wahl, Chair
Oregon Fish and Wildlife Commission
4034 Fairview Industrial Drive SE
Salem, OR 97302

RE: Oregon Southern Resident Orca Endangered Species Management Plan

Dear Chair Wahl and members of the Commission:

Oceana appreciates the opportunity to comment on the Oregon Department of Fish and Wildlife (ODFW) draft Endangered Species Management Plan (ESMP) for Southern Resident Orcas (SRO).[1] We largely agree with ODFW's list of current and planned actions. However, the actions in the draft management plan are described in very general terms and it will be difficult to measure success. More information is needed to fully assess the conservation impact of the current and proposed actions, including specific project details and timelines to ensure implementation.

Only 73 individuals remain in this distinct orca population (Figure 1)[2] and under status quo conditions these orcas are likely to go extinct.[3] Southern Resident Orca recovery requires bold actions and a long-term commitment to restore Chinook salmon populations and to reduce vessel noise, disturbance, and contaminant exposure. Oregon's coastal ocean waters are critical for Southern Resident Orca feeding and migration, and Oregon's salmon, particularly those in the Columbia River Basin, are critical orca prey. As such, the State of Oregon has an essential role in the conservation and recovery of this endangered species.

ODFW identifies 11 actions the agency is currently taking or planning to implement to contribute to SRO conservation. Consistent with the federal recovery plan,[4] these actions are designed to

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[1] Draft, Oregon Department of Fish and Wildlife Endangered Species Management Plan for Southern Resident Orcas (*Orcinus ocra ater*). August 2025. Available at: https://www.dfw.state.or.us/MRP/mammals/docs/SRO%20Endangered%20Species%20Management%20Plan_ODFW_DRAFT_061825.pdf

[2] SRKW Population (July 1, 2024): Center for Whale Research 2024 Orca Survey Results, Available: https://www.whaleresearch.com/orca-population

[3] Williams, R., Lacy, R.C., Ashe, E. *et al.* Warning sign of an accelerating decline in critically endangered killer whales (*Orcinus orca*). *Commun Earth Environ* **5**, 173 (2024). https://doi.org/10.1038/s43247-024-01327-5

[4] National Marine Fisheries Service. 2008. Recovery Plan for Southern Resident Killer Whales (*Orcinus orca*). National Marine Fisheries Service, Northwest Region, Seattle, Washington.

alleviate the greatest threats to orca recovery by increasing prey availability, reducing vessel noise and disturbance and reducing contamination.

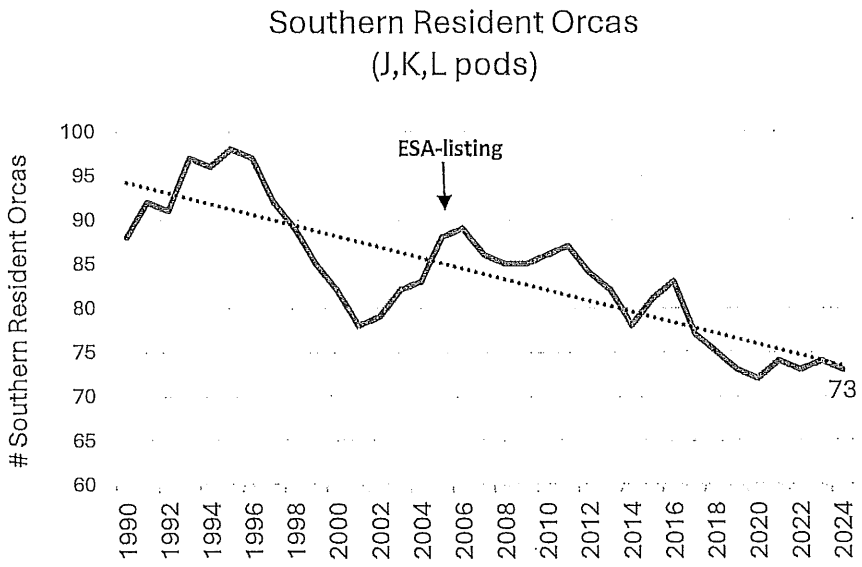

Figure 1. Southern Resident Orca population size, 1990 to July 2024 (adapted from Center for Whale Research).

We focused our review on actions to increase prey availability for SROs and offer the recommendations below.

Recommendations associated with increasing prey availability:

1) **Restore salmon habitat:** the management plan should document the specific projects underway that will protect and improve freshwater and estuarine habitat for wild salmon runs that may contribute to SRO prey needs *and* identify priority projects and funding needs for future habitat improvement projects that have the highest potential for increasing wild salmon populations and Southern Residents.

2) **Improve fish passage:** the management plan should identify priority fish passage projects underway plus identify priorities for future fish passage projects. We appreciate that this includes working with state, federal and tribal co-managers to improve passage conditions for migrating juvenile and adult salmonids at hydroelectric dams on the Columbia and Snake rivers. The list of priority salmon stocks for Southern Resident Orcas includes most

Columbia Basin Chinook stocks.[5] Recognizing that decisions around dam removal and improved passage are complex, we recommend that ODFW and the Commission prioritize improved fish passage efforts including dam removal on the lower Snake River. As stated by ODFW scientists and others, lower Snake River dam removal "more so than any other mitigative action – would precipitate the rehabilitation of imperiled salmon and steelhead populations in the Snake River Basin."[6]

3) **Support fishery management that considers the prey needs of SRO:** The management plan states that ODFW supports measures like the 2019-2028 Pacific Salmon Treaty Agreement and Amendment 21 of the Pacific Coast Salmon Fishery Management Plan to help ensure an adequate prey base for SRO. However, under the status quo conditions, including recent average Chinook abundance levels, the Southern Resident population is expected to continue to decline towards extinction.[7] The threshold identified in Amendment 21 is too low and the management response is too little. Oceana recommends that ODFW commits in the draft plan to work with the Pacific Fishery Management Council to review the existing pre-season Chinook salmon abundance threshold developed under Amendment 21 and ensure that the threshold is sufficient for SRO foraging needs. We further recommend that ODFW commit to reviewing the management response for when Chinook abundance falls below this threshold; including the size, location, and timing of fishery closures inside SRO critical habitat.[8]

4) **Evaluate the potential environmental impact of enhanced hatchery production to increase prey availability:** In the SRO management plan, ODFW recommends both maintaining current hatchery salmon production as well as potentially increasing Chinook salmon hatchery production. Hatchery programs, however, can negatively impact natural salmon production through competition for food and habitat, predation, and disease. Oceana recommends the agency carefully evaluate current and proposed hatchery programs to ensure that hatchery production does not reduce natural salmon diversity, productivity, and fitness. And if ODFW increases hatchery production for SRO prey availability it should be made clear that the objective of the increased hatchery production is for SRO conservation and not increased ocean fishing opportunities. What is more, any SRO conservation hatchery production should be aligned with the orcas' foraging

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[5] Southern Resident Killer Whale Priority Chinook Salmon Stocks, Available: https://www.fisheries.noaa.gov/west-coast/endangered-species-conservation/southern-resident-killer-whale-priority-chinook-salmon

[6] Storch, AJ, HA Schaller, CE Petrosky, et al. 2022. A review of potential conservation and fisheries benefits of breaching four dams in the Lower Snake River. Water Biology and Security 1 (2002) 100030. Available: https://repository.library.noaa.gov/view/noaa/62863/noaa_62863_DS1.pdf

[7] Murray et al. 2021. A cumulative effects model for population trajectories of resident killer whales in the Northeast Pacific. *Biological Conservation* (257):109124, https://doi.org/10.1016/j.biocon.2021.109124

[8] For more information see: Independent Science Panel on SRKW Recovery (2025). Strengthening recovery actions for Southern Resident killer whales. https://doi.org/10.70766/32.7300

requirements in terms of Chinook salmon run timing, fat content, and the size and age of the returning adult fish.

Periodic Review of the Endangered Species Management Plan (ESMP)

Periodic review and adaptive management are essential for developing optimal management actions. However, ODFW states that it will review the SRO ESMP "as needed," based on undefined and subjective triggers including changes in SRO population status, changes in their conservation needs, or "dramatic changes" in ocean conditions. Oceana recommends ODFW commit to reviewing the ESMP as needed but no less than once every five years, in conjunction with the Commission's periodic five-year review of its threatened and endangered species list (OAR 635-100-0210).

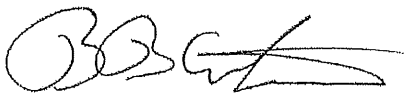
Conclusion

In finalizing the ESMP, the Commission must consider the critically endangered status and continuing decline of the endangered Southern Resident Orcas, including the population-level effects and harm to orcas from a lack of prey, vessel noise, and contaminants. And we encourage you to consider the important role Oregon can play in orca recovery in collaboration with federal partners, neighboring states, local government, Tribes and NGOs.

It is imperative comprehensive actions are taken quickly to recover Southern Residents and their primary prey, Chinook salmon. Conservation actions identified in the draft plan will not only benefit orcas, but healthy aquatic ecosystems, fisheries, and communities throughout the region.

Given the status of Southern Resident Orcas and threats to them, we urge you to consider the above recommendations to strengthen and then finalize the draft management plan.

Sincerely,



Ben Enticknap
Pacific Campaign Director and Senior Scientist