

Before the Oregon Fish and Wildlife Commission

The Commission, pursuant to ORS 496.112(3), hereby delegates to the Director of the Oregon Department of Fish and Wildlife:

(1) The duty imposed upon the Commission by ORS 496.182(8)(a)(A) and OAR 635-100-0140 to consult and cooperate with state land owning and managing agencies listed in OAR 635-100-0160(1) in order for the Commission to determine if state land can play a role in conservation of Southern Resident Orca. During the consultation and coordination process, the Director shall consider Southern Resident Orca biology and geography of the land base (i.e. location, quality, and quantity of the species' habitats) to determine if the species or its habitat is found on state land. If the species or its habitat is found on state land, the Director shall consider the impact state agency actions may have on the species and its habitat. Following the consultation and coordination process and based on the considerations in ORS 496.182(8)(a)(A) and OAR 635-100-0140 and listed above, the Director shall recommend to the Commission which state land owning and managing agencies the Commission should determine can play a role in Southern Resident Orca conservation.

(2) The duty imposed upon the Commission by ORS 496.182(7) to consult with state land owning and managing agencies whose land the Commission determines can play a role in Southern Resident Orca conservation on the level of biological threat and, in consideration of available funds, the immediacy and seriousness of the threat to Southern Resident Orca, in order for the state land owning or managing agencies to set priorities for establishing endangered species management plans required by ORS 496.182(8).

(3) The duty imposed upon the Commission by ORS 496.182(8)(b) and OAR 635-100-0150 to consult and cooperate with state agencies other than land owning or managing agencies as listed in OAR 635-100-0160(2) in order for the Commission to determine whether the agencies can serve a role in the conservation of Southern Resident Orca. To carry out this consultation role, the department shall provide agencies with an assessment of the conservation need of the species, as well as a list of the existing management rules, plans and other management guidelines and biological information related to the management process of the listed species as required by OAR 635-100-0150(2).

Following the consultation and coordination process, the Director shall recommend to the Commission which state agencies other than land owning and managing agencies the Commission should determine can play a role in Southern Resident Orca conservation.

(4) The duty imposed upon the Commission by ORS 496.182(2)(b) to work with private landowners, affected cities, affected counties, and affected local service districts, as defined in ORS 174.116, to mitigate the adverse impact on local economies when the commission adds a species to the list of threatened species or endangered species pursuant to ORS 496.172.

Dated: 3/15/2024

By: Mary Wahl
Mary Wahl, Chair