

Agenda Item Summary

BACKGROUND

The Oregon Department of Fish and Wildlife (Department) has completed a final draft of the *Coastal, Columbia, and Snake Conservation Plan for Lampreys in Oregon* (CPL; Attachment 4). The CPL describes the Department's management strategies to conserve and enhance populations of Pacific lamprey, Western river lamprey, Western brook lamprey, and Pacific brook lamprey, which are located in coastal, Columbia, and Snake river basins within Oregon. The CPL was developed as called for by Oregon's Native Fish Conservation Policy (NFCP; OAR 635-007-0502 through 0509), and is being presented to the Oregon Fish and Wildlife Commission (Commission) for consideration and approval. An associated Oregon Administrative Rule (OAR) that directs the Department's implementation of the plan is also being presented for adoption (Attachment 3).

The CPL was developed over a number of years with the involvement of a variety of Department staff, numerous external entities involved in lamprey restoration, science reviewers, and other public interests. The CPL supports significant on-going efforts to restore Pacific lamprey by tribes, the U.S. Fish and Wildlife Service (USFWS), and others. It also identifies information and management needs related to the three additional species in the coastal, Columbia, and Snake river basins within Oregon that are addressed in the plan.

PUBLIC INVOLVEMENT

The CPL has had significant external outreach and review in its development. This includes:

- An earlier draft of the CPL was shared with all nine federally-recognized tribes in Oregon, the Yakama Nation, the Nez Perce Tribe, and the Columbia River Inter-Tribal Fish Commission (CRITFC) in order to solicit feedback and offer direct meetings with each. Eight tribes/tribal agencies provided reviews: the Cow Creek Tribe of Umpqua Band of Indians, the Columbia River Inter-Tribal Fish Commission, the Confederated Tribes of the Umatilla Indian Reservation, Yakama Nation, the Coquille Indian Tribe, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw, the Nez Perce Tribe, and the Confederated Tribes of the Grand Ronde.
- An earlier draft of the CPL was shared with USFWS and hundreds of natural resource professionals via the USFWS's Pacific Lamprey Conservation Initiative (<https://www.fws.gov/pacificlamprey/mainpage.cfm>). Reviews were received from multiple USFWS offices, an independent contractor, and a watershed council (Tenmile Lakes Basin Partnership).
- An earlier draft was presented to USFWS's Lamprey Technical Workgroup (a technical advisory committee for Western states bordering the Pacific Ocean as part of the Conservation Initiative:

<https://www.fws.gov/pacificlamprey/LTWGMainpage.cfm>) and to the Government to Government Natural Resource Work Group (NRWG; coordinated through the Legislative Commission on Indian Services [<https://www.oregonlegislature.gov/cis/Pages/default.aspx>]).

- The public review draft of the plan was sent to and received peer reviews from two independent scientists familiar with lamprey (Attachment 5). These reviews were conducted by Dr. Jason Dunham, a USGS scientist with an extensive background in fish ecology, and Dr. Carl Schreck, a former Leader of the Oregon Cooperative Fish and Wildlife Research Unit, former member and chair of the Independent Multidisciplinary Science Team (IMST), and current Professor at Oregon State University with an extensive background in fish physiology, ecology, and fisheries management.
- A website was established for the public to learn about and access a public review draft of the plan (https://www.dfw.state.or.us/fish/CRP/coastal_columbia_snake_lamprey_plan.asp).
- A public review draft of the CPL was released on September 16, 2019 (via agency news release) and posted to the CPL website for a 30 day public review period. Public comments received on the draft plan are provided in Attachment 5.
- Public meetings were held in Salem, OR on October 2, 2019 and Clackamas, OR on October 3, 2019 to describe the draft plan and to accept public comments.
- The public review draft of the plan was presented to the Fish Passage Task Force at their October 18, 2019 meeting in Salem.

The final draft of the CPL was developed based on these reviews and comments.

ISSUE 1

APPROVAL OF THE CONSERVATION PLAN FOR LAMPREYS

ANALYSIS

The CPL is intended to serve as a guidance document for Department management of lamprey populations in Oregon for each of four species of lampreys (Pacific lamprey, Western river lamprey, Western brook lamprey, and Pacific brook lamprey). The CPL uses the most up-to-date and reliable scientific information to assess the current status of these lampreys, and provides strategies to improve their status and gain additional information.

Conservation plans are called for by Oregon's Native Fish Conservation Policy (NFCP; OAR 635-007-0502 through 0509). The CPL and its development conform to the direction identified in the NFCP. The

following summary sets forth required elements of a conservation plan and where the CPL addresses them:

- *identify species management units and constituent populations* (OAR 635-007-0505(5)(a)) – see CPL Chapter 2
- *describe desired biological status* (OAR 635-007-0505(5)(b)) – see CPL Chapter 4
- *describe current status* (OAR 635-007-0505(5)(c)) – see CPL Chapter 3 and Appendices 5, 6, and 7
- *assess primary factors causing gap between current and desired status* (OAR 635-007-0505(5)(d)) – see CPL Chapter 5 and Appendices 4, 8, and 9
- *short- and long-term management strategies* (OAR 635-007-0505(5)(e)) – see CPL Chapters 6 and 8 (“Timeline” sub-section) and Appendices 10 and 11
- *monitoring, evaluation, and research* (OAR 635-007-0505(5)(f)) – see CPL Chapter 7
- *process to modify strategies* (OAR 635-007-0505(5)(g)) – see CPL Chapter 8 (“Reporting, Adaptive Management and Re-Assessment” sub-section)
- *measurable criteria indicating deterioration and plan modification* (OAR 635-007-0505(5)(h)) – see CPL Chapter 8 (“Reporting, Adaptive Management and Re-Assessment” sub-section)
- *annual and long-term reporting* (OAR 635-007-0505(5)(i)) – see CPL Chapter 8 (“Reporting, Adaptive Management and Re-Assessment” sub-section)
- *potential impacts to other native fish species* (OAR 635-007-0505(5)(j)) – see CPL Chapter 8 (“Outcomes” sub-section)
- *measurable criteria for desired and current status* (OAR 635-007-0505(6)) – see CPL Table 3.1
- *secondary criteria for assessing management actions* (OAR 635-007-0505(7)) – artificial barriers (see CPL Chapter 3 and Appendices 7 and 10) and harvest rate (see CPL Chapters 5 and 7 and Appendix 8) are addressed ; other measures to be developed during implementation as new information is obtained
- *use up-to-date and reliable scientific information* (OAR 635-007-0505(8)(a)) – see CPL Chapters 2 through 7 and Appendices 1 through 10
- *independent peer review by scientists* (OAR 635-007-0505(8)(b)) – see *Public Involvement* section of this Agenda Item Summary and Attachment 5
- *input and involvement from partners and public* (OAR 635-007-0505(8)(c)) – see *Public Involvement* section of this Agenda Item Summary and Attachment 5

The Executive Summary of the CPL (pp. 3 – 5 in Attachment 4) and the associated OAR (see Issue 2 and Attachment 3) provide succinct details related to these plan contents and findings.

Overall, the CPL supports on-going conservation and restoration work being conducted in Oregon for Pacific lamprey by numerous entities, provides direction for Department efforts with respect to Pacific lamprey, and addresses needs for three other lampreys which have previously had minimal conservation focus. The plan’s status assessment supports the current “sensitive species” designation for three of the species (Pacific lamprey, Western river lamprey, and Western brook lamprey; https://www.dfw.state.or.us/wildlife/diversity/species/sensitive_species.asp), and identifies the need to add the fourth (Pacific brook lamprey) to this sensitive species list. Key implementation outcomes from the plan are identified in eight management strategies and nine research, monitoring, and evaluation focus areas. These outcomes are intended to result in the conservation and restoration of, and greater knowledge about, all four lampreys addressed in the CPL.

OPTIONS

1. Approve the CPL
2. Modify and approve the CPL
3. Do not approve the CPL

**STAFF
RECOMMENDATION**

Option 1

ISSUE 2

ADOPT ADMINISTRATIVE RULE TO DIRECT THE DEPARTMENT’S IMPLEMENTATION OF THE CONSERVATION PLAN FOR LAMPREYS

ANALYSIS

The proposed administrative rule for the CPL (OAR 635-500-6780; Attachment 3) was developed to codify the overarching framework for the CPL, direct how the Department implements the CPL, and clearly identify the conservation plan elements of the NFCP. Certain portions of the CPL are incorporated by reference into the rule.

OPTIONS

1. Adopt administrative rule directing the Department’s implementation of the CPL as proposed by staff in Attachment 3
2. Adopt modified proposed administrative rule
3. Do not approve administrative rule

**STAFF
RECOMMENDATION**

Option 1

DRAFT MOTION	I move to approve the <i>Coastal, Columbia, and Snake Conservation Plan for Lampreys in Oregon</i> , and adopt the associated proposed Oregon Administrative Rule set forth in Attachment 3.
EFFECTIVE DATE	Following adoption