



1 In this document, [~~bracket and strikethrough~~] shows existing rule language proposed to be removed from  
2 the Oregon Administrative Rules (OARs). New proposed text is shown with (**Bold and Underline**).

3  
4 **Division 9**

5 **SALMON AND TROUT ENHANCEMENT PROGRAM AND RIPARIAN LANDS TAX INCENTIVE PROGRAM**

6 **635-009-0090**

7 **Salmon and Trout Enhancement Program [~~Purpose~~]**

8 These Rules guide the [~~operation and~~] **Department's administration, including** project [~~selection~~] **evaluation**  
9 **and approval**, of the Salmon **and** Trout Enhancement Program (STEP) as authorized under the provisions of ORS  
10 496.4[40]**30**, et seq. **These rules also govern the STEP Advisory Committee's membership and meeting**  
11 **frequency**.

12 Statutory/Other Authority: ORS 496.**138**; **ORS 496.146**

13 Statutes/Other Implemented: ORS **496.430 et seq.**

14  
15 **635-009-0095**

16 **Salmon and Trout Enhancement Program Definitions**

17 The following definitions shall apply to Salmon and Trout Enhancement Program projects:

18 (1) Definitions listed in **ORS 496.430 and** OAR 635-007-0501.

19 (2) [~~"Broodstock Development Project" means project in which adults will return to a recapture facility to provide an~~  
20 ~~egg source for management programs]~~ **"Acclimation" means to hold juvenile fish at a site other than where**  
21 **they were reared, for a specified length of time immediately prior to release at the site, in order to cause**  
22 **them to imprint on and return to the site as adults.**

23 (3) [~~"Commission" means the Oregon Fish and Wildlife Commission]~~ **"Committee" means the Salmon and Trout**  
24 **Enhancement Program Advisory Committee.**

25 (4) [~~"Department" means the Oregon Department of Fish and Wildlife.~~

26 (5) [~~"Educational [Project]" means project undertaken by a school or youth program.~~

27 (6) [~~"Egg Incubation Project" means project in which eggs are contained and hatched and resultant fry are released~~  
28 ~~unfed.~~

29 (7)**5** "Enhancement" means [~~management activities including rehabilitation and supplementation that increase fish~~  
30 ~~production beyond the existing production capability of the stock and/or habitat]~~ **resource conservation,**  
31 **utilization and educational activities that contribute to the recovery and sustainability of native fish.**

32 (8)**6** "Enhancement Project" is any project authorized by the Department in accordance with these rules.

33 (9)**7** "Fish Propagation" means to rear fish for release (includes **egg** incubation).

34 (8) **"Mark" means a distinctive identification such as a removed fin or characteristic scale pattern, or both;**  
35 **a coded-wire tag imbedded in the fish in addition to a removed adipose fin; or some other methods**  
36 **approved by the Department for the purpose of identifying the origin of the fish.**

37 (9) **"Stocking" means to release hatchery-produced fish into state waters.**

38 (10) "Life Cycle" means:

39 (a) Coho salmon — 3 years;



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40 (b) Chinook salmon — 5 years;

41 (c) Chum salmon — 4 years;

42 (d) Steelhead — 4 years;

43 (e) Trout — 4 years.

44 (11) "Rehabilitation" means short term management techniques which may include fish stocking, habitat  
45 improvement, harvest management, or other work that restore fish stocks depressed by natural or man-made  
46 events.

47 (12) "STEP" means Salmon Trout Enhancement Program.

48 (13) "Supplementation" means continued planting of fish to maintain or increase fish abundance in areas where  
49 natural production is insufficient to meet management objectives.]

50 Statutory/Other Authority: ORS 496.138; **ORS 496.146**

51 Statutes/Other Implemented: ORS 496.430; **ORS 537.142**

52

53 **635-009-0096**

54 **Salmon and Trout Enhancement Program Advisory Committee; Membership**

55 **(1) The Salmon and Trout Enhancement Program Advisory Committee consists of nine members appointed**  
56 **by the Governor through the Executive Appointments Administration application process.**

57 **(a) All citizens are welcome and encouraged to serve.**

58 **(b) In recommending the committee appointments, the Department may consider the following:**

59 **(A) Ensuring that the Committee's membership reflects the demographic and geographic diversity of**  
60 **Oregon;**

61 **(B) Members with experience working with volunteers, community service organizations, or involvement in**  
62 **natural resource or angling education; and**

63 **(C) Including those engaging youth, underserved communities and diverse audiences, such as**  
64 **communities of color, tribes, and low-income communities.**

65 **(c) The term of office of a member of the Committee is four years, and a member is eligible for**  
66 **reappointment and may serve up to two consecutive full terms.**

67 **(d) Members shall:**

68 **(A) Be an Oregon resident;**

69 **(B) Have knowledge of STEP activities, work conducted by STEP biologists, volunteers, and partner**  
70 **organizations;**

71 **(C) Be in good standing with the Department's Statewide Volunteer Program;**

72 **(D) Complete required trainings and adhere to the Department's Volunteer Code of Conduct;**

73 **(E) Represent the regional and statewide interests of the program and volunteers; and**

74 **(F) Investigate topics of importance to STEP and develop recommendations.**

75 **(e) Members of the Committee will represent the following regions:**

76 **(A) North Coast;**

77 **(B) Mid-Coast;**



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- 78 **(C) South Willamette Valley;**  
79 **(D) North Willamette Valley;**  
80 **(E) Coos-Coquille-Tenmile;**  
81 **(F) Umpqua;**  
82 **(G) South Coast;**  
83 **(H) Upper Rogue; and**  
84 **(I) Eastern Oregon.**  
85 **(2) The Committee shall select officers and may form sub-committees as necessary to carry out business**  
86 **of the Committee.**  
87 **(3) A member of the Committee will not receive compensation from the Department for services as a**  
88 **member. A member may be reimbursed for actual and necessary travel and other expenses incurred in the**  
89 **performance of official duties.**  
90 **Statutory/Other Authority: ORS 496.138; ORS 496.146**  
91 **Statutes/Other Implemented: ORS 496.460**  
92  
93 **635-009-0097**  
94 **Committee Meetings**  
95 **(1) Committee meetings are public meetings and must be conducted in compliance with requirements of**  
96 **the Oregon Public Meetings Law, ORS 192.610 et seq.**  
97 **(2) The Committee will meet no less than twice each calendar year to carry out the business of the**  
98 **Committee.**  
99 **Statutory/Other Authority: ORS 496.138; ORS 496.146**  
100 **Statutes/Other Implemented: ORS 496.460; ORS 192.610 – ORS 192.695**  
101  
102 **635-009-0100**  
103 **Salmon and Trout Enhancement Program Policy and Goals**  
104 (1) It is the policy of the Fish and Wildlife Commission, in carrying out the provisions of ORS 496.430~~[40]~~, et seq.,  
105 that [a] **the STEP** ~~[Salmon and Trout Enhancement Program]~~ shall be conducted to benefit all users of the salmon  
106 and trout resources of this state.  
107 (2) STEP goals are:  
108 (a) Provide the greatest possible opportunity for citizen volunteer participation in achieving the Department's  
109 management objectives;  
110 (b) Rehabilitate and enhance natural habitat of salmon and trout;  
111 (c) Rehabilitate and enhance populations of salmon and trout; **and**  
112 (d) Support and promote an education program to increase the public's understanding of Oregon's aquatic  
113 resources and the environment.  
114 **Statutory/Other Authority: ORS 496.138; ORS 496.146**  
115 **Statutes/Other Implemented: ORS 496.435; ORS 496.440; ORS 496.445**



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116

117 **635-009-0105**

118 **Salmon and Trout Enhancement Program Community Advisors**

119 **As identified in ORS 496.445, the Department will assist citizen volunteers with implementation of STEP. A**

120 STEP coordinator and STEP biologist shall act as community advisors to:

121 (1) Provide technical assistance, **education, and training** to citizens responsible for implementation of  
122 enhancement projects;[-]

123 (2) Cooperatively develop enhancement projects with citizen volunteers;[-]

124 (3) **Review projects to ensure compliance with applicable rules, plans, and policies;[.]**

125 **(4) Coordinate the implementation of enhancement projects with the activities of the Department [and staff] and**  
126 **other agencies;[-]**

127 ~~(4)5~~ Provide educational and informational materials to promote public awareness and involvement in the **STEP;**  
128 ~~[salmon and trout enhancement program.]~~

129 ~~(5)6~~ Supervise the activities of citizens ~~[developing local brood stock for]~~ **undertaking** enhancement projects;[-]

130 ~~(6)7~~ Evaluate enhancement projects with the citizens responsible for project implementation;[-]

131 ~~(7)8~~ Coordinate grants of funds to citizens for the implementation of approved enhancement projects from such  
132 moneys as may be available; **and**[-]

133 **(9) Provide educational and informational materials, and organize events, to increase the public's**  
134 **understanding of Oregon's aquatic resources and the environment.**

135 Statutory/Other Authority: **ORS 496.138; ORS 496.146**

136 Statutes/Other Implemented: **ORS 496.445**

137

138 **635-009-0106**

139 **STEP volunteers**

140 **(1) Citizens and groups assisting with implementation of STEP projects are subject to the Department's**  
141 **policies governing volunteers.**

142 **(2) The Department will provide training as outlined in OAR 635-007-0506 and 635-007-0548.**

143 **Statutory/Other Authority: ORS 496.138; ORS 496.146**

144 **Statutes/Other Implemented: ORS 496.440; ORS 496.445**

145

146 **635-009-0107**

147 **Propagation of fish through STEP**

148 **(1) The use of hatchery programs through STEP is important to provide citizen volunteer participation (ORS**  
149 **496.440) and provide optimum fishery (ORS 506.109) and conservation benefits.**

150 **(2) All STEP hatchery-related projects and associated propagation of fish must comply with the**  
151 **Department's Hatchery Management Policy OAR 635-007-0542 through 635-007-0548.**

152 **(3) All STEP propagation projects must be implemented consistent with:**

153 **(a) The Native Fish Conservation Policy outlined in OAR 635-007-0502 through 635-007-0509;**



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- 154 (b) The Fish Health Management Policy outlined in OAR 635-007-0965 through 635-007-0995; and  
155 (c) The Climate and Ocean Change Policy outlined in OAR 635-900-0001 through 635-900-0020.  
156 (4) For STEP propagation projects, all eggs, fish, and any portions thereof continue to be the property of  
157 the State of Oregon.  
158 (a) It is unlawful to transport, hold, handle, possess, or release eggs or fish except as specifically  
159 authorized by the Department and when applicable a Fish Transport Permit in accordance with OAR 635-  
160 007-0600.  
161 (b) All fish returning to a STEP propagation project must be handled and disposed of in accordance with  
162 OAR 635-007-0545(14).  
163 (5) In the event of unforeseen shortages of eggs or fish, changes in facility availability or status, the  
164 Department may implement revisions to a STEP project as necessary. Any revision will be discussed with  
165 the STEP project sponsor to minimize impact to facility operations.  
166 (6) The Department’s or Commission’s approval, as applicable, of a STEP project that includes the use of  
167 water will be considered “certified” pursuant to ORS 537.142.  
168 Statutory/Other Authority: ORS 496.138; ORS 496.146  
169 Statutes/Other Implemented: ORS 496.440; ORS 506.109; ORS 537.142  
170  
171 **635-009-0110**  
172 **Salmon and Trout Enhancement Program Project Application**  
173 (1) The Department, a [Any citizen, or group of citizens, may propose a project for implementation under STEP.  
174 Projects may include but are not limited to: [Habitat improvement, egg incubation, fish propagation, broodstock-  
175 development, fish stocking, spawning ground surveys, education, and data collection.]  
176 (a) Improvements to aquatic habitats to provide resilience for expected future conditions;  
177 (b) Stocking or acclimation of Department-sponsored fish releases;  
178 (c) Monitoring or research of fish populations, habitats, and water conditions over time;  
179 (d) Education and outreach to inform the public about salmon, trout, and their habitats and opportunities to  
180 get involved through STEP including educational classroom incubators in which no more than 500 eggs  
181 may be incubated as an educational tool (all release locations must be approved by the Department); and  
182 (e) Propagation projects including harvest hatchery, conservation hatchery, egg incubation, and rearing,  
183 acclimation, and release of fish.  
184 (2) Following consultation with a STEP Biologist, the [P]proposed project[s] application shall be submitted in  
185 writing on forms provided by the Department.  
186 (3) [A separate application is required for each proposed project or project site.] Projects which are initiated and  
187 administered by the Department do not need to apply under this section unless the Department is seeking  
188 certification for the water right as identified in ORS 537.142 to support a project that will be implemented  
189 with the assistance of volunteers.  
190 (4) [Each project must have explicit goals, method of achievement, beginning and ending date, and, if applicable,  
191 evaluation plan.]



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- 192 ~~(5) Incomplete applications shall be returned to the project sponsor for completion.~~
- 193 ~~(6)] The Department may require any additional information it deems necessary in order to evaluate the project~~  
194 ~~proposal.~~
- 195 ~~[(7) Applications for projects involving egg incubation or fish propagation must also comply with OAR 635-009-~~  
196 ~~0425.]~~
- 197 Statutory/Other Authority: ORS 496.138; ORS 496.146
- 198 Statutes/Other Implemented: ORS 496.450; ORS 537.142
- 199
- 200 **635-009-0115**
- 201 **Salmon and Trout Enhancement Program Project Approval**
- 202 ~~(1) [All projects must comply with fish management goals and objectives as set forth in OAR 635-007-0501 through~~  
203 ~~635-007-0830, and species and/or area management plans adopted by the Commission.] The Department's~~  
204 ~~approval will be based on whether the project complies with Department policies, fish management goals~~  
205 ~~and objectives, including, as applicable, the criteria identified in OAR 635-009-0107.~~
- 206 (2) All projects, prior to commencing, must be approved in writing by the Department.
- 207 (3) Approval of projects shall be for a time period determined by the Department based on the type of  
208 project.~~[will not be approved if the proposal, based on review by Department staff:~~
- 209 ~~(a) Is not based on sound biological principles;~~
- 210 ~~(b) Is not supported by physical and biological stream survey information;~~
- 211 ~~(c) Does not show a demonstrated need;~~
- 212 ~~(d) Proposes to use inappropriate methods to accomplish the project objectives;~~
- 213 ~~(e) Violates goals, policies, rules, species or basin management plans adopted by the Commission; or policies or~~  
214 ~~procedures developed by the Department.]~~
- 215 (4) Project proposals will be evaluated ~~[according to their]~~by the Department prior to approval to determine  
216 that:
- 217 (a) The proposal is consistent with relevant conservation plans developed under the Native Fish  
218 Conservation Policy (OAR 635-007-0502 through 635-007-0509);
- 219 (b) The proposal is based on sound biological principles and uses appropriate methods to accomplish the  
220 project objectives;
- 221 (c) Releases from a Fish Propagation project shall not exceed 100,000 fish of each species, unless  
222 authorized by the Commission or a Commission-adopted plan;
- 223 (d) The potential impact on all fish species, the environment, and contribution to the resource [-]are acceptable;
- 224 (e) Prior to operation, all required federal, state, and local permits have been obtained;
- 225 (f) Prior to operation, any required fish screen, disease control mechanisms, and isolation facilities will be  
226 in place and operating;
- 227 (g) The fish and egg production meets criteria shown in previously-approved programs for release size,  
228 time, and mark rate, and disease control regulations will be met; and
- 229 (h) The applicant has sufficient resources available to ensure continued successful operation of the project



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230 **and, when applicable, adequate husbandry of fish.**

231 (5) The Department may prescribe such terms and conditions for project approval as it may deem necessary for  
232 protection of naturally produced species (or stocks).

233 (6) [~~It will be the responsibility of the project sponsor to obtain all necessary water rights, access agreements,~~  
234 ~~easements, and use permits, or any other permits needed to undertake the project]. **The Department may choose**  
235 **to not issue project approval if:**~~

236 **(a) The propagation of the fish specified in the application will be the first introduction of that species into**  
237 **the watershed in which the proposed facility is located;**

238 **(b) For fish propagation projects, the Department finds the project or operation, as proposed by the**  
239 **applicant, is not consistent with relevant conservation plans developed under the Native Fish Conservation**  
240 **Policy;**

241 **(c) For habitat, monitoring, and education projects, the Department finds the project or operation, as**  
242 **proposed by the applicant, would tend to be harmful to existing fish populations in or below the project**  
243 **site;**

244 **(d) The Department finds the applicant violated any terms of any license, permit, or operational plan issued**  
245 **by the Department; or**

246 **(e) The Department finds the applicant has failed to comply with any relevant statute, rule, or reporting**  
247 **requirements.**

248 Statutory/Other Authority: **ORS 496.138; ORS 496.146**

249 Statutes/Other Implemented: ORS **496.450**

250

251 **635-009-0120**

252 **Salmon and Trout Enhancement Program Revocation or Amendment of Project Approval**

253 (1) The Department may revoke **or amend** its approval of a STEP project if it determines:

254 (a) The project **applicant engaged in or is undertaking an activity inconsistent with all provisions of**  
255 **approval, including those identified in OAR 635-009-0115;** [~~has exceeded the scope of the approved project~~  
256 ~~proposal].~~

257 (b) There has been a violation of any term or condition imposed on the project by the Department, **including**  
258 **failure to cooperate or participate with the Department's Volunteer Code of Conduct;** or

259 (c) [~~Continued operation of the project may adversely affect fish populations in or below the project site; or~~

260 ~~(d)] There are not sufficient moneys available to fund the Department's continued involvement in the project.~~

261 (2) The revocation of a project's approval shall automatically invalidate any Department Permits issued for such  
262 project as of the date of revocation and may result in confiscating (reclaiming) by the Department of any fish or  
263 eggs used in the project.

264 (3) Revocation of the approval for a project is in addition to and not in lieu of other penalties provided by law.

265 **(4) The Department may temporarily curtail or amend any aspect of the project to ensure compliance with**  
266 **project proposal or terms and conditions of the Department's approval of the project. Prior to revocation:**

267 **(a) The Department will notify the Committee of the proposed revocation;**



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268 **(b) The Committee may review and make a recommendation to the Department; and**

269 **(c) The Department will consider the Committee recommendations before the Department revokes any**  
270 **project approval.**

271 Statutory/Other Authority: **ORS 496.138; ORS 496.146**

272 Statutes/Other Implemented: ORS **496.450**

273

274 **[635-009-0125**

275 **Egg Incubation and Fish Program Project Proposal**

276 ~~(1) Any citizen or group of citizens wishing to obtain and incubate and/or propagate salmon or trout, and to~~  
277 ~~transport, hold or release any such eggs or fish resulting therefrom, must complete and submit to the Department~~  
278 ~~an application form to conduct an "Egg Incubation" or "Fish Propagation" project. All such projects shall be~~  
279 ~~identified as: rehabilitation, supplementation, educational, or broodstock development. For purposes of this rule,~~  
280 ~~such projects shall be defined to mean one of the following:~~

281 ~~(a) Rehabilitation Project — A project in which fish are released to rebuild a currently depressed run;~~

282 ~~(b) Supplementation Project — A project involving continued planting to maintain or increase fish abundance where~~  
283 ~~natural production is insufficient to meet management objectives;~~

284 ~~(c) Educational Project — Classroom or youth education project in which eggs are incubated as an educational~~  
285 ~~tool; the number of eggs incubated may not exceed 500;~~

286 ~~(d) Broodstock Development Project — A project in which reared fish are released and the resulting adults return to~~  
287 ~~a recapture facility to provide an egg source for management programs.~~

288 ~~(2) Applications for an Egg Incubation project shall:~~

289 ~~(a) Be submitted prior to September 1 of each year; applications received after this date will be considered but will~~  
290 ~~have a lower priority for receipt of eggs;~~

291 ~~(b) Include the following information:~~

292 ~~(A) Name, address, and telephone number of applicant;~~

293 ~~(B) Species requested;~~

294 ~~(C) Egg incubation location and proposed fry release location;~~

295 ~~(D) Type of project to be undertaken (i.e., rehabilitation, supplementation, education, or broodstock development);~~

296 ~~(E) A clear and concise statement of the operation proposed by the applicant.~~

297 ~~(3) Applications for a Fish Propagation project shall:~~

298 ~~(a) Be submitted prior to July 1 of each year for projects proposing to commence during the next egg take cycle;~~

299 ~~(b) Include the following information:~~

300 ~~(A) Name, address, and telephone number of applicant;~~

301 ~~(B) Species and number of eggs requested;~~

302 ~~(C) Egg source;~~

303 ~~(D) Species and number of fish to be reared;~~

304 ~~(E) Egg incubation and fish propagation location;~~

305 ~~(F) Type of project to be undertaken (i.e., rehabilitation, supplementation, or broodstock development);~~





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- 306 ~~(G) A clear and concise statement of the operation proposed by the application; the enhancement opportunity to be~~  
307 ~~undertaken; and how the project meets fish management program objectives adopted by the Commission;~~  
308 ~~(H) A map of proposed hatchery site or release site, clearly indicating the geographic relationship of the site to the~~  
309 ~~surrounding area;~~  
310 ~~(I) Clear and concise information on facility design, operation and maintenance costs, water supply, rearing and~~  
311 ~~holding facilities, fish disease considerations and any other information the Department may request;~~  
312 ~~(J) Plan to evaluate project;~~  
313 ~~(K) Reports, technical documents, articles and data or information of any kind the applicant intends to rely on to~~  
314 ~~support the facility;~~  
315 ~~(L) A copy of all leases, options, easements, or other instruments by which applicant purports to have sufficient~~  
316 ~~property rights pertaining to the proposed site to permit conduct of the proposed operation;~~  
317 ~~(M) A statement from the appropriate local planning authorities of the county or other jurisdiction within which the~~  
318 ~~proposed hatchery or release site is located, analyzing whether or not, in the opinion of the local jurisdiction,~~  
319 ~~applicant's proposed operation is in compliance with the local jurisdiction's comprehensive land use and estuary~~  
320 ~~plan;~~  
321 ~~(N) A projection of social consequences caused in the future by returning fish.~~

322 Statutory/Other Authority: ORS 496  
323 Statutes/Other Implemented: ORS 496

324  
325 **635-009-0130**

326 **Egg Incubation and Fish Program Project Duration**

327 (1) Egg incubation and Fish Propagation projects may be approved for the following length of time; all projects are  
328 subject to an annual review:

- 329 (a) Rehabilitation project: one life cycle of the species reared (see OAR 635-009-0105(7));  
330 (b) Supplementation project: Five years;  
331 (c) Broodstock Development project: one life cycle of the species reared (see OAR 635-009-0095(7)).

332 (2) A new project proposal must be submitted and approved if the project is to continue beyond the time period  
333 authorized in section (1) of this rule.

334 Statutory/Other Authority: ORS 496  
335 Statutes/Other Implemented: ORS 496

336  
337 **635-009-0135**

338 **Egg Incubation and Fish Program Number of Fish Released**

339 (1) The number of fish authorized for release under either an egg incubation or fish propagation project shall be  
340 determined by the Department. The number shall be based upon management objectives and carrying capacity of  
341 water body stocked.

342 (2) Releases from a Fish Propagation project shall not exceed 100,000 fish of each species reared, except the  
343 Commission after holding a public hearing may authorize releases above these numbers.



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344 Statutory/Other Authority: ORS 496

345 Statutes/Other Implemented: ORS 496

346

347 **~~635-009-0140~~**

348 **~~Egg Incubation and Fish Program General Considerations~~**

349 ~~(1) It is unlawful to transport, hold, or possess live fish or eggs without an appropriate permit issued by the~~  
350 ~~Department.~~

351 ~~(2) The Department may authorize the taking of eggs from wild fish for use in a STEP project if:~~

352 ~~(a) There is a demonstrated need for enhancement on a stream and a suitable source of eggs is not available from~~  
353 ~~public hatcheries;~~

354 ~~(b) The project cooperater is involved in an approved project for selected broodstock development which includes~~  
355 ~~use of wild fish;~~

356 ~~(c) Facilities are available for holding adults to maturation, spawning fish, and incubating eggs;~~

357 ~~(d) A knowledgeable individual is available to provide assistance in handling of adults, determining maturation,~~  
358 ~~spawning, and care of eggs.~~

359 ~~(3) The Department may require specific numbers of smolts be returned to locations if wild fish have been taken~~  
360 ~~and moved to another stream.~~

361 ~~(4) In the event egg shortages occur, the Department will reduce the number of eggs per approved project by an~~  
362 ~~equal proportion, except the Department may establish priorities for certain projects that are expected to make a~~  
363 ~~greater contribution to the resource.~~

364 ~~(5) All eggs or fish are the property of the State of Oregon and may only be released as designated by the~~  
365 ~~Department.~~

366 ~~(6) All fish returning to a fish propagation project must be handled or disposed of as directed by the Department.~~

367 Statutory/Other Authority: ORS 496

368 Statutes/Other Implemented: ORS 496

369

370 **~~635-009-0150~~**

371 **~~Egg Incubation and Fish Program Disposal of Fish and Fish Products~~**

372 ~~(1) All fish produced as a result of a STEP project remain the property of the State of Oregon and are subject to~~  
373 ~~harvest in any and all public fisheries.~~

374 ~~(2) All fish returning to a STEP fish propagation project must be handled or disposed of as directed by the~~  
375 ~~department.~~

376 ~~(3) Fish and eggs collected at a STEP fish propagation project are subject to the following priorities for use:~~

377 ~~(a) Natural and artificial production needs of the department;~~

378 ~~(b) Needs of the STEP program;~~

379 ~~(c) Needs of Cooperative Salmon Hatchery projects;~~

380 ~~(d) Indian ceremonial needs pursuant to ORS 496.201 to 496.221.~~

381 ~~(4) The department may give written approval for the sale of salmon carcasses or salmon eggs to the project~~



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382 sponsor with the following conditions and consistent with OAR 635-007-0530:  
383 (a) Only fish or eggs in excess of those required to fulfill the needs of section (3) of this rule may be sold;  
384 (b) Project sponsor shall first obtain a wholesale fish dealer license. Monthly reports and payment of fees are  
385 required as provided in OAR 635-006-0200 through 635-006-0220 on all fish sold;  
386 (c) Proceeds from the sale of fish or eggs may only be used for the following, in accordance with a written project  
387 agreement between the project sponsor and the department:  
388 (A) Actual costs incurred by the project sponsor or department, directly related to the project;  
389 (B) Equipment, supplies, and improvements to the project site.  
390 Statutory/Other Authority: ORS 496.138 & 506.119  
391 Statutes/Other Implemented: ORS 496.146 & 506.124]

Draft