



# **NATIVE FISH CONSERVATION POLICY**

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## **NATIVE FISH CONSERVATION POLICY**

### **Purpose of the Native Fish Conservation Policy (635-007-0502)**

The purpose of this policy is to ensure the conservation and recovery of native fish in Oregon. The policy focuses on naturally produced native fish. This focus is because naturally produced native fish are the primary basis for Endangered Species Act (ESA) delisting decisions and the foundation for long-term sustainability of native species and hatchery programs. Conservation of hatchery produced native fish is also important to maintain opportunities for fisheries and aid conservation of naturally produced fish. The Hatchery Management Policy describes conservation of hatchery produced native fish.

The intent of the Native Fish Conservation Policy is to provide a basis for managing hatcheries, fisheries, habitat, predators, competitors, and pathogens in balance with sustainable production of naturally produced native fish. The policy has three areas of emphasis. The first is defensive to ensure the avoidance of serious depletion of native fish. The second is more proactive to restore and maintain native fish at levels providing ecological and societal benefits. The third ensures that, consistent with native fish conservation, opportunities for fisheries and other societal resource uses are not unnecessarily constrained. This approach will allow Oregon to play a vital role in the recovery of ESA listed species and the prevention of future listings.

The policy embraces the case-by-case application of a wide range of conservation and utilization strategies tailored to individual watersheds and situations. Policy implementation will likely illustrate a variety of management approaches across the landscape, such as areas focused on hatchery programs complemented with areas where hatchery influences are avoided.

The policy shall be implemented through conservation plans. Plans shall be developed in collaboration with management partners and the public, and will identify the desired and existing status of native fish, key limiting factors, management options to address these factors, and monitoring required to evaluate success. The Oregon Plan for Salmon and Watersheds, as well as other local and regional forums, shall provide the context for development, implementation and coordination of these plans. Existing rules shall guide management until conservation plans are completed.

### **Native Fish Conservation Policy Goals (635-007-0503)**

- (1) Prevent the serious depletion of any native fish species by protecting natural ecological communities, conserving genetic resources, managing consumptive and nonconsumptive fisheries, and using hatcheries responsibly so that naturally produced native fish are sustainable.

- (2) Maintain and restore naturally produced native fish species, taking full advantage of the productive capacity of natural habitats, in order to provide substantial ecological, economic, and cultural benefits to the citizens of Oregon.
- (3) Foster and sustain opportunities for sport, commercial, and tribal fishers consistent with the conservation of naturally produced native fish and responsible use of hatcheries.

**Key Elements of Native Fish Conservation Policy (635-007-0504)**

- (1) Naturally produced fish are foundational to the long-term sustainability of native fish species, hatchery programs, and fisheries in Oregon. Therefore, conservation of naturally produced native fish species in the geographic areas to which they are indigenous is the Department's principal obligation for fish management.
- (2) The Native Fish Conservation Policy applies to all geographic areas within the State's jurisdiction.
- (3) The Department shall manage native fish to meet the following objectives:
  - (a) to maintain and restore sustainable naturally produced native fish species living and reproducing successfully in their natural environments;
  - (b) to provide recreational, commercial, cultural, and aesthetic benefits of optimum native fish populations to present and future citizens; and
  - (c) to contribute benefits to their ecosystem such as carcass nutrients and food for other species.
- (4) Hatcheries shall be used responsibly to help achieve the goals of this policy. The Hatchery Management Policy describes the hatchery tool and its range of applications, as well as additional guidance concerning the conservation and management of native hatchery produced fish. Other tools include but are not limited to the management of habitat, harvest, competitors, predators, and fish health.
- (5) In restoring naturally produced native fish, and when weighing options for conservation action, the Department shall generally:
  - (a) give priority to management actions that address and help remedy the primary factors of decline (i.e. limiting factors);
  - (b) consider economic effects required by ORS 183.335(2)(b)(E); and
  - (c) consider the potential for success.
- (6) The Department shall manage for sustainability of naturally produced native fish at the level of the species management unit. In developing sustainability standards, the Department shall:
  - (a) incorporate the importance of population structure within each species management unit, and

- (b) base the sustainability standards on biological attributes directly related to species performance, as described in OAR 635-007-0505 (6).
- (7) When faced with scientific uncertainty concerning fish management, including status assessments and the effectiveness of recovery strategies, the Department shall proceed with precautionary strategies scaled to the conservation risk. Less precautionary strategies may be allowed if:
  - (a) the Department determines that monitoring, evaluation and responsive management will keep biological risks within acceptable limits, or
  - (b) the Department implements specific research to address management uncertainties.
- (8) The Department shall manage nonnative fish and hatchery based fisheries to optimize user benefits consistent with conservation of naturally produced native fish species.

### **Implementing the Native Fish Conservation Policy (635-007-0505)**

#### **Conservation Plans**

- (1) The Native Fish Conservation Policy shall be implemented primarily through conservation plans developed for individual species management units and adopted by the Commission. Conservation plans shall illustrate a range of options for recovery strategies, fisheries and the responsible use of hatchery produced fish and may include subbasin plans, NOAA Fisheries recovery plans, and other plans that address the elements contained in subsections (5), (6), (7), and (8) of this rule.
- (2) Conservation plans shall be based on the concept that locally adapted populations provide the best foundation for maintaining and restoring sustainable naturally produced native fish.
- (3) Planning and implementation shall proceed incrementally, consistent with available funding, according to priorities established by the Department with collaboration and input from affected tribal governments, management partners, and the public. The Department shall place highest priority on developing conservation plans for species management units having one or more of the following characteristics:
  - (a) contain fish that are listed under the federal or state Endangered Species Act or as a state sensitive species or contain naturally produced native fish populations that demonstrate continued decline or extirpation from a significant portion of their range;
  - (b) contain new hatchery programs or existing hatchery programs that need substantial change;
  - (c) have high public interest or economic or other impact on the local community; or
  - (d) where the Departmental resources available for the planning and implementation efforts will likely lead to a significant increase in naturally produced native fish.
- (4) The Department shall develop and maintain a statewide list of species management units and their constituent populations, including appropriate hatchery produced fish, for native fish

belonging to the genus *Oncorhynchus*. Lists for other taxonomic groups will be developed as prioritized pursuant to subsection (3) of this rule.

#### Plan Contents

(5) Native fish conservation plans will address the following elements:

- (a) identification of the species management unit and constituent populations pursuant to subsection (4) of this rule;
- (b) description of the desired biological status relative to biological attributes contained in subsection (6) of this rule;
- (c) description of current status relative to biological attributes contained in subsection (6) of this rule;
- (d) an assessment of the primary factors causing the gap between current and desired status, if there is a gap, and identify factors that can be managed;
- (e) a description of the short- and long-term management strategies most likely to address the primary limiting factors;
- (f) a description of monitoring, evaluation, and research necessary to gauge the success of corrective strategies and resolve uncertainties;
- (g) a process for modifying corrective strategies based upon the monitoring, evaluation and research results;
- (h) measurable criteria indicating significant deterioration in status, triggering plan modification to begin or expand recovery actions;
- (i) annual and long-term reporting requirements necessary to document data, departures from the plan, and evaluations necessary for adaptive management, in a format available to the public;
- (j) a description of potential impacts to other native fish species.

#### Measurable Criteria

(6) Each native fish conservation plan shall include specific, measurable criteria of species performance. Depending upon available information, criteria will be developed for the following primary biological attributes:

- (a) distribution of populations within unit;
- (b) adult fish abundance for constituent populations;
- (c) within and among population diversity;
- (d) population connectivity;
- (e) survival rate to each critical life history stage;
- (f) standardized rate of population growth for constituent natural populations;
- (g) forecast likelihood of species management unit persistence in the near and long terms.

(7) Conservation plans shall also contain secondary criteria such as migration timing, spawn timing, age structure, sex ratios, stray rates, habitat complexity, artificial barriers, and harvest rates. These secondary criteria shall be used to help assess and link the effectiveness of management actions to address limiting factors as they affect the primary biological attributes described in subsection (6).

#### Process for Developing Plans

(8) When developing fish conservation plans, delineating naturally reproducing populations, and defining species management unit borders, the Department shall:

- (a) use the most up-to-date and reliable scientific information and, as appropriate, convene an ad hoc team of scientists for collaboration and assistance;
- (b) solicit the assistance and independent peer review by scientists including but not limited to the Independent Multidisciplinary Science Team and university fishery management programs; and
- (c) seek input and involvement from appropriate tribal, state, local, and federal management partners, university programs, and the public. Affected tribal governments shall be consulted in the development and implementation of conservation plans.

#### Interim Measures

(9) Until an individual conservation plan is completed for a species management unit, the Department shall continue to manage native fish in that unit according to existing statutes, administrative rules, Commission directives and binding agreements. In addition, the Department shall manage such populations in a manner that will avoid addition of new species to the State “Sensitive Species” list. Development of conservation plans shall be governed by this Native Fish Conservation Policy. Implementation of those plans shall be as specified in the plan.

#### Status Reports

(10) The Department shall prepare and present to the Commission an Oregon native fish species status report at timely intervals adequate to track progress, or at the request of the Commission or Director. This report shall include:

- (a) identification of all existing native fish conservation plans;
- (b) status assessments addressing biological attributes related to species performance as described in subsection (6) of this rule and the methods and assumptions used to make these assessments, including those used because of missing or insufficient data; and
- (c) appropriate modifications to the list of populations and species management units, and additional research needs.

#### Cooperative Recovery Planning

(11) In implementing the Native Fish Conservation Policy and consistent with the Oregon Plan, the Department will encourage the development of complementary policies and plans by other state and federal regulatory agencies and tribes that supports a unified conservation effort.

(12) The Commission shall revise existing fish management basin plans as necessary to support the implementation of Native Fish Conservation Policy conservation plans. The Commission shall make appropriate revisions to affected fish management basin plans when the Commission approves the corresponding conservation plan. Pending approval of a specific conservation plan, the conservation of native fish populations shall be guided by fish management basin plans. However, if adherence to such basin plans will likely prevent the affected populations from meeting the Native Fish Conservation Policy interim criteria described in 635-007-0507, then the

interim criteria will be used by the Department to guide the conservation of native fish populations. For those populations without basin plans, the Department shall use the Native Fish Conservation Policy interim criteria described in 635-007-0507 to guide the conservation of such populations.

**Education and Training (635-007-0506)**

(1) The Department shall develop a training curriculum for staff, Commissioners, management partners, and the public that focuses on the Native Fish Conservation Policy and its implementation.

(2) Training shall be provided as deemed appropriate by the Director.

**Interim Criteria (635-007-0507)**

As temporary guidance to ensure the conservation of native fish prior to the completion of conservation plans, the Department shall use the interim criteria described in this rule. Once a conservation plan is approved, these interim criteria will no longer apply to the species management unit. In addition, for state endangered species covered by an associated endangered species management plan, as described in OAR 635-100-0140, these interim criteria do not apply.

(1) Existing Populations – No more than 20% of the historical populations within the species management unit have become extinct and no natural population within the species management unit in existence as of 2003 shall be lost in the future. Further, if the historical species management unit contained more than one race (e.g., summer and winter steelhead), then each race must be represented by at least 2 populations.

For at least 80% of the existing populations within each species management unit or for selected index populations identified in the stock status report as described in 635-007-0505(10), interim criteria (2) through (6) must be exceeded in at least 3 years during the most recent 5-year time interval.

(2) Habitat Use Distribution - Naturally produced members of a population must occupy at least 50% of a population's historic habitat.

(3) Abundance - The number of naturally produced spawners must be greater than 25% of the average abundance of naturally produced spawners over the most recent 30 year time period.

(4) Productivity – In years when the total spawner abundance is less than the average abundance of naturally produced spawners over the past 30 years, then the rate of population increase shall be at least 1.2 adult offspring per parent. Where offspring are defined as naturally produced adults that survive to spawn and parents are defined as those adults of both natural plus hatchery origin that spawned and collectively produced the observed offspring.

(5) Reproductive Independence – At least 90% of the spawners within a population must be naturally produced and not hatchery produced fish, unless the department determines the hatchery produced fish are being used in a short-term experimental program to help restore a population in its natural habitat or otherwise directed by a court order.

(6) Hybridization - The occurrence of individuals that are the product of deleterious hybridization with species that are non-native to the basin in which they are found must be rare or nonexistent.

### **Implementation of Interim Criteria (635-007-0509)**

(1) Species management units that do not meet, or that the department determines are unlikely to meet in the near future, at least four of the interim criteria specified in 635-007-0507 shall be classified as “at risk”. Species management units that meet four but no more than five of the interim criteria specified in 635-007-0507 shall be classified as “potentially at risk”. Species management units that meet all interim criteria specified in 635-007-0507 shall be classified as “not at risk”.

(2) For those species management units classified as potentially at risk, the Department shall document this finding in the native fish species status report as described in 635-007-0505(10) and give an elevated priority to the species management unit with respect to development of statewide monitoring strategies and conservation plan development.

(3) For those species management units classified as at risk, the Department, in addition to actions described in 635-007-0509(2), shall implement, within the Department’s statutory authority, fish management changes likely to improve the conservation status of the conservation management unit, based upon a documented evaluation of the primary factors impacting fish within the species management unit. The Department shall respond as soon as possible to an improvement in the conservation status of the species management unit with a reclassification of the unit consistent with the guidance provided in 635-07-0509(1).

(4) In applying interim criteria, the Department recognizes that data may not be available to assess all populations belonging to a species management unit. The Department also recognizes that even when data for a population are available they may not be of sufficient detail or collected over a sufficient time period. In these circumstances, to determine if a population meets the interim criteria, it will be necessary to make inferences from those populations within the species management unit for which sufficient information is available or by using alternative qualitative and quantitative information and analyses to approximate interim criteria metrics. In evaluation of such species management units for conformity to the interim criteria, the Department shall document the assumptions and inferences associated in making this evaluation.



## **DEFINITIONS:**

**Conservation:** means managing for sustainability of native fish so present and future generations may enjoy their ecological, economic, recreational, and aesthetic benefits.

**Hatchery produced fish:** means a fish incubated or reared under artificial conditions for at least a portion of its life.

**Indigenous:** means descended from a population believed to have been present in the same geographical area prior to the year 1800 or from a natural colonization of another indigenous population.

**Native fish:** means indigenous to Oregon, not introduced. This includes both naturally produced and hatchery produced fish.

**Naturally produced:** means fish that reproduce and complete their full life cycle in natural habitats.

**Population:** means a group of fish originating and reproducing in a particular time which do not interbreed to any substantial degree with any other group reproducing in a different area, or in the same area at a different time.

**Sensitive:** means those fishes that have been designated for special consideration pursuant to OAR 635-100-0040.

**Serious depletion:** means a significant likelihood the species management unit will become threatened or endangered under either the state or federal Endangered Species Act.

**Species:** means any group or population that interbreeds and is substantially reproductively isolated.

**Species management unit:** means a collection of populations from a common geographic region that share similar genetic and ecological characteristics.

**Sustainable:** means persistence over time, that is to say the ability of a population or a species management unit to maintain temporal, spatial, genetic, and ecological coherence while withstanding demographic, environmental, and genetic variation and catastrophic events from natural and human induced causes.