



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

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

Division 9

SALMON AND TROUT ENHANCEMENT PROGRAM AND RIPARIAN LANDS TAX INCENTIVE PROGRAM

635-009-0090

Salmon and Trout Enhancement Program Purpose

These Rules guide the operation and project selection of the Salmon Trout Enhancement Program (STEP) as authorized under the provisions of ORS 496.4~~[40]~~**30**, et seq.

Statutory/Other Authority: ORS 496

Statutes/Other Implemented: ORS 496

635-009-0095

Salmon and Trout Enhancement Program Definitions

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

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

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

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

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

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

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

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

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

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

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

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

~~(10) "Life Cycle" means:~~

~~(a) Coho salmon — 3 years;~~

~~(b) Chinook salmon — 5 years;~~

~~(c) Chum salmon — 4 years;~~



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40 (d) Steelhead—4 years;

41 (e) Trout—4 years.

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

45 (12) “STEP” means Salmon Trout Enhancement Program.

46 (13) “Supplementation” means continued planting of fish to maintain or increase fish abundance in areas where
47 natural production is insufficient to meet management objectives.]

48 Statutory/Other Authority: ORS 496

49 Statutes/Other Implemented: ORS 496

50

51 **635-009-0096**

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

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

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

56 **(b) Consideration should be given to the following:**

57 **(A) Ensuring that the Committee’s membership reflects the demographic and geographic diversity of**
58 **Oregon;**

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

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

63 **(c) The term is four years, and members may serve up to two consecutive terms as appointed by the**
64 **Governor.**

65 **(d) Members shall:**

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

67 **(B) Have knowledge of Salmon and Trout Enhancement Program activities, work conducted by STEP**
68 **biologists, volunteers, and partner organizations;**

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

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

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

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

73 **(e) Members of the advisory committee will represent the following regions:**

74 **(A) North Coast**

75 **(B) Mid-Coast**

76 **(C) South Willamette Valley**

77 **(D) North Willamette Valley**



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- 78 **(E) Coos-Coquille-Tenmile**
- 79 **(F) Umpqua**
- 80 **(G) South Coast**
- 81 **(H) Upper Rogue**
- 82 **(I) Eastern Oregon**
- 83 **(2) The Committee shall select officers and may form sub-committees as necessary to carry out business**
- 84 **of the Committee.**
- 85 **(3) Members of the Committee will not receive compensation from the Department for service as members,**
- 86 **except as provided by ORS Chapter 292. Members may be reimbursed for actual and necessary travel and**
- 87 **other expenses incurred in the performance of official duties.**
- 88 **Statutory/Other Authority: ORS 496**
- 89 **Statutes/Other Implemented: ORS 496**
- 90
- 91 **635-009-0097**
- 92 **Meetings**
- 93 **(1) Committee meetings are public meetings and must be conducted as required by ORS 192.610 through**
- 94 **ORS 192.690.**
- 95 **(2) The Committee will meet no less than twice each calendar year to carry out the business of the**
- 96 **Committee.**
- 97 **Statutory/Other Authority: ORS 496**
- 98 **Statutes/Other Implemented: ORS 496**
- 99
- 100 **635-009-0100**
- 101 **Salmon and Trout Enhancement Program Policy and Goals**
- 102 (1) It is the policy of the Fish and Wildlife Commission, in carrying out the provisions of ORS 496.440, et seq., that a
- 103 Salmon and Trout Enhancement Program shall be conducted to benefit all users of the salmon and trout resources
- 104 of this state.
- 105 (2) STEP goals are:
- 106 (a) Provide the greatest possible opportunity for citizen volunteer participation in achieving the Department's
- 107 management objectives;
- 108 (b) Rehabilitate and enhance natural habitat of salmon and trout;
- 109 (c) Rehabilitate and enhance populations of salmon and trout;
- 110 (d) Support and promote an education program to increase the public's understanding of Oregon's aquatic
- 111 resources and the environment.
- 112 **Statutory/Other Authority: ORS 496**
- 113 **Statutes/Other Implemented: ORS 496**
- 114
- 115 **635-009-0105**



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- 116 **Salmon and Trout Enhancement Program Community Advisors**
- 117 **As identified in ORS 496.445 the Department, will assist citizen volunteers with implementation of STEP.** A
- 118 STEP coordinator and STEP biologist shall act as community advisors to:
- 119 (1) Provide technical assistance, **education, and training** to citizens responsible for implementation of
- 120 enhancement projects.
- 121 (2) Cooperatively develop enhancement projects with citizen volunteers.
- 122 (3) **Review and approve projects to ensure compliance with applicable rules, plans, and policies.**
- 123 **(4)** Coordinate the implementation of enhancement projects with the activities of Department and staff and other
- 124 agencies.
- 125 **(4)5** Provide educational and informational materials to promote public awareness and involvement in the salmon
- 126 and trout enhancement program.
- 127 **(5)6** Supervise the activities of citizens [~~developing local brood stock for~~] **undertaking** enhancement projects.
- 128 **(6)7** Evaluate enhancement projects with the citizens responsible for project implementation.
- 129 **(7)8** Coordinate grants of funds to citizens for the implementation of approved enhancement projects from such
- 130 moneys as may be available.
- 131 **(9) Provide educational and informational materials, and events to increase the public's understanding of**
- 132 **Oregon's aquatic resources and the environment.**
- 133 Statutory/Other Authority: ORS 496
- 134 Statutes/Other Implemented: ORS 496
- 135
- 136 **635-009-0106**
- 137 **Program volunteers**
- 138 **(1) Citizens and groups assisting with implementation of STEP projects are subject to the Departments**
- 139 **policies governing volunteers.**
- 140 **(2) The Department will provide training as outlined in OAR 635-007-0506 and 635-007-0548.**
- 141 **Statutory/Other Authority: ORS 496**
- 142 **Statutes/Other Implemented: ORS 496**
- 143
- 144 **635-009-0107**
- 145 **Propagation of fish through STEP**
- 146 **(1) The use of hatchery programs through STEP is important to provide citizen volunteer participation (ORS**
- 147 **496.440) and provide optimum fishery (ORS 506.109) and conservation benefits.**
- 148 **(2) All STEP hatchery related projects and associated propagation of fish must comply with the**
- 149 **Department's Hatchery Management Policy OAR 635-007-0542 through 635-007-0548.**
- 150 **(3) All STEP propagation projects must be implemented consistent with:**
- 151 **(a) The Native Fish Conservation Policy outlined in OAR 635-007-0502 through 635-007-0509.**
- 152 **(b) The Fish Health Management Policy outlined in OAR 635-007-0965 through 635-007-0995.**
- 153 **(c) The Climate and Ocean Change Policy outlined in OAR 635-900-0001 through 635-900-0020**



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154 (4) For STEP propagation projects, all eggs, fish, and any portions thereof continue to be the property of
155 the State of Oregon.

156 (a) It is unlawful to transport, hold, handle, possess, or release eggs or fish except as specifically
157 authorized by Department or when applicable a Fish Transport Permit OAR 635-007-0600.

158 (b) All fish returning to a STEP propagation project must be handled and disposed of in accordance with
159 OAR 635-007-0545(14).

160 (5) In the event of unforeseen shortages of eggs or fish, changes in facility availability or status, the
161 Department may implement revisions to a STEP project as necessary. Any revision will be discussed with
162 the STEP project sponsor to minimize impact to facility operations.

163 (6) Approval of a project that includes the use of water will be considered "certified" as identified in ORS
164 537.142.

165 Statutory/Other Authority: ORS 496

166 Statutes/Other Implemented: ORS 496

167

168 **635-009-0110**

169 **Salmon and Trout Enhancement Program Project Application**

170 (1) Any citizen or group of citizens may propose a project for implementation under STEP. Projects may include but
171 are not limited to: [~~Habitat improvement, egg incubation, fish propagation, broodstock development, fish stocking,~~
172 ~~spawning ground surveys, education, and data collection.~~]

173 (a) Improvements to aquatic habitats to provide resilience for expected future conditions.

174 (b) Stocking or acclimation of Department sponsored fish releases.

175 (c) Monitoring or research of fish populations, habitats, and water conditions over time.

176 (d) Education and outreach to inform the public about salmon, trout, and their habitats and opportunities to
177 get involved through STEP including educational classroom incubators in which no more than 500 eggs
178 may be incubated as an educational tool and all release locations must be approved by the Department.

179 (e) Propagation projects which may include but not limited to: harvest hatchery, conservation hatchery,
180 egg incubation, and rearing, acclimation, and release of fish.

181 (2) Following consultation with a STEP Biologist, the [P]proposed project[s] shall be submitted in writing on
182 forms provided by the Department.

183 (3) [~~A separate application is required for each proposed project or project site.~~] Projects which are initiated and
184 administered by Department do not need to apply under this section unless the Department is seeking
185 certification for the water right as identified in ORS 537.142 to support a project that will be implemented
186 with the assistance of volunteers.

187 (4) [~~Each project must have explicit goals, method of achievement, beginning and ending date, and, if applicable,~~
188 ~~evaluation plan.~~]

189 (5) [~~Incomplete applications shall be returned to the project sponsor for completion.~~]

190 (6) The Department may require any additional information it deems necessary in order to evaluate the project
191 proposal.



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192 [~~(7) Applications for projects involving egg incubation or fish propagation must also comply with OAR 635-009-~~
193 ~~0425.]~~

194 Statutory/Other Authority: ORS 496

195 Statutes/Other Implemented: ORS 496

196

197 **635-009-0115**

198 **Salmon and Trout Enhancement Program Project Approval**

199 (1) [~~All projects must comply with fish management goals and objectives as set forth in OAR 635-007-0501 through~~
200 ~~635-007-0830, and species and/or area management plans adopted by the Commission.] Approval will be based
201 on the Department's determination that the project complies with Department policies, fish management
202 goals and objectives including as applicable the criteria identified in OAR 635-009-0107.~~

203 (2) All projects, prior to commencing, must be approved in writing by the Department.

204 (3) Approval of projects shall be for a time period determined by the Department based on the type of
205 project. [~~will not be approved if the proposal, based on review by Department staff:~~

206 ~~(a) Is not based on sound biological principles;~~

207 ~~(b) Is not supported by physical and biological stream survey information;~~

208 ~~(c) Does not show a demonstrated need;~~

209 ~~(d) Proposes to use inappropriate methods to accomplish the project objectives;~~

210 ~~(e) Violates goals, policies, rules, species or basin management plans adopted by the Commission; or policies or~~
211 ~~procedures developed by the Department.]~~

212 (4) Project proposals will be evaluated [~~according to their~~]by the Department prior to approval to determine
213 that:

214 (a) The proposal is consistent with relevant conservation plans developed under the Native Fish
215 Conservation Policy (OAR 635-007-0502 through 635-007-0509);

216 (b) The proposal is based on sound biological principles and uses appropriate methods to accomplish the
217 project objectives;

218 (c) Releases from a Fish Propagation project shall not exceed 100,000 fish of each species, unless
219 authorized by the Commission or a Commission adopted plan;

220 (d) The potential impact on all fish species, the environment, and contribution to the resource [.]are acceptable;

221 (e) Prior to operation, all required federal, state, and local permits have been obtained;

222 (f) Prior to operation, any required fish screen, disease control mechanisms, and isolation facilities are in
223 place and operating;

224 (g) The fish and egg production meets criteria shown in previously approved programs for release size,
225 time, and mark rate, and disease control regulations will be met; and

226 (h) The applicant has sufficient resources available to ensure continued successful operations of the
227 project and, when applicable, adequate husbandry of fish.

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



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- 230 (6) ~~[It will be the responsibility of the project sponsor to obtain all necessary water rights, access agreements,~~
231 ~~easements, and use permits, or any other permits needed to undertake the project].~~ **The Department may choose**
232 **to not issue project approval if:**
- 233 **(a) The propagation of the fish specified in the application will be the first introduction of that species into**
234 **the watershed in which the proposed facility is located;**
- 235 **(b) For fish propagation projects, the Department finds the project or operation, as proposed by the**
236 **applicant, is not consistent with relevant conservation plans developed under the Native Fish Conservation**
237 **Policy;**
- 238 **(c) For habitat, monitoring, and education projects, the Department finds the project or operation, as**
239 **proposed by the applicant, would tend to be harmful to existing fish populations in or below the project**
240 **site;**
- 241 **(d) The Department finds the applicant violated any terms of any license, permit, or operational plan issued**
242 **by the Department; and**
- 243 **(e) The Department finds the applicant has failed to comply with any relevant statute, rule, or reporting**
244 **requirements.**

245 Statutory/Other Authority: ORS 496
246 Statutes/Other Implemented: ORS 496

247
248 **635-009-0120**
249 **Salmon and Trout Enhancement Program Revocation of Project Approval**

- 250 (1) The Department may revoke **or amend** its approval of a STEP project if it determines:
- 251 (a) The project ~~[has exceeded the scope of the approved project proposal]~~ **is no longer consistent with all**
252 **provisions of approval, including those identified in OAR 635-009-0115;**
- 253 (b) There has been a violation of any term or condition imposed on the project by the Department, **including**
254 **failure to cooperate or participate with the Department's Volunteer Code of Conduct;**
- 255 (c) ~~[Continued operation of the project may adversely affect fish populations in or below the project site; or~~
256 ~~(d)]~~ There are not sufficient moneys available to fund the Department's continued involvement in the project.
- 257 (2) The revocation of a project's approval shall automatically invalidate any Department Permits issued for such
258 project as of the date of revocation and may result in confiscating (reclaiming) by the Department of any fish or
259 eggs used in the project.
- 260 (3) Revocation of the approval for a project is in addition to and not in lieu of other penalties provided by law.
- 261 **(4) The Department may temporarily curtail amend any aspect of the project to ensure compliance with**
262 **section (1). Prior to revocation:**
- 263 **(a) The Department will notify the Committee of the proposed revocation;**
264 **(b) The Committee may review and make a recommendation to the Department; and**
265 **(c) The Department will consider the Committee recommendations before final actions.**

266 Statutory/Other Authority: ORS 496
267 Statutes/Other Implemented: ORS 496



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268

269 **[635-009-0125**

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

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

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

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

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

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

283 (2) Applications for an Egg Incubation project shall:

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

286 (b) Include the following information:

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

288 (B) Species requested;

289 (C) Egg incubation location and proposed fry release location;

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

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

292 (3) Applications for a Fish Propagation project shall:

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

294 (b) Include the following information:

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

296 (B) Species and number of eggs requested;

297 (C) Egg source;

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

299 (E) Egg incubation and fish propagation location;

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

301 (G) A clear and concise statement of the operation proposed by the application; the enhancement opportunity to be
302 undertaken; and how the project meets fish management program objectives adopted by the Commission;

303 (H) A map of proposed hatchery site or release site, clearly indicating the geographic relationship of the site to the
304 surrounding area;

305 (I) Clear and concise information on facility design, operation and maintenance costs, water supply, rearing and



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- 306 holding facilities, fish disease considerations and any other information the Department may request;
307 (J) Plan to evaluate project;
308 (K) Reports, technical documents, articles and data or information of any kind the applicant intends to rely on to
309 support the facility;
310 (L) A copy of all leases, options, easements, or other instruments by which applicant purports to have sufficient
311 property rights pertaining to the proposed site to permit conduct of the proposed operation;
312 (M) A statement from the appropriate local planning authorities of the county or other jurisdiction within which the
313 proposed hatchery or release site is located, analyzing whether or not, in the opinion of the local jurisdiction,
314 applicant's proposed operation is in compliance with the local jurisdiction's comprehensive land use and estuary
315 plan;
316 (N) A projection of social consequences caused in the future by returning fish.
317 Statutory/Other Authority: ORS 496
318 Statutes/Other Implemented: ORS 496

319

320 **635-009-0130**

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

- 322 (1) Egg incubation and Fish Propagation projects may be approved for the following length of time; all projects are
323 subject to an annual review:
324 (a) Rehabilitation project: one life cycle of the species reared (see OAR 635-009-0105(7));
325 (b) Supplementation project: Five years;
326 (c) Broodstock Development project: one life cycle of the species reared (see OAR 635-009-0095(7)).
327 (2) A new project proposal must be submitted and approved if the project is to continue beyond the time period
328 authorized in section (1) of this rule.
329 Statutory/Other Authority: ORS 496
330 Statutes/Other Implemented: ORS 496

331

332 **635-009-0135**

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

- 334 (1) The number of fish authorized for release under either an egg incubation or fish propagation project shall be
335 determined by the Department. The number shall be based upon management objectives and carrying capacity of
336 water body stocked.
337 (2) Releases from a Fish Propagation project shall not exceed 100,000 fish of each species reared, except the
338 Commission after holding a public hearing may authorize releases above these numbers.
339 Statutory/Other Authority: ORS 496
340 Statutes/Other Implemented: ORS 496

341

342 **635-009-0140**

343 **Egg Incubation and Fish Program General Considerations**



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- 344 (1) It is unlawful to transport, hold, or possess live fish or eggs without an appropriate permit issued by the
345 Department.
- 346 (2) The Department may authorize the taking of eggs from wild fish for use in a STEP project if:
- 347 (a) There is a demonstrated need for enhancement on a stream and a suitable source of eggs is not available from
348 public hatcheries;
- 349 (b) The project cooperator is involved in an approved project for selected broodstock development which includes
350 use of wild fish;
- 351 (c) Facilities are available for holding adults to maturation, spawning fish, and incubating eggs;
- 352 (d) A knowledgeable individual is available to provide assistance in handling of adults, determining maturation,
353 spawning, and care of eggs.
- 354 (3) The Department may require specific numbers of smolts be returned to locations if wild fish have been taken
355 and moved to another stream.
- 356 (4) In the event egg shortages occur, the Department will reduce the number of eggs per approved project by an
357 equal proportion, except the Department may establish priorities for certain projects that are expected to make a
358 greater contribution to the resource.
- 359 (5) All eggs or fish are the property of the State of Oregon and may only be released as designated by the
360 Department.
- 361 (6) All fish returning to a fish propagation project must be handled or disposed of as directed by the Department.
- 362 Statutory/Other Authority: ORS 496
- 363 Statutes/Other Implemented: ORS 496

364

365 **635-009-0150**

366 **Egg Incubation and Fish Program Disposal of Fish and Fish Products**

- 367 (1) All fish produced as a result of a STEP project remain the property of the State of Oregon and are subject to
368 harvest in any and all public fisheries.
- 369 (2) All fish returning to a STEP fish propagation project must be handled or disposed of as directed by the
370 department.
- 371 (3) Fish and eggs collected at a STEP fish propagation project are subject to the following priorities for use:
- 372 (a) Natural and artificial production needs of the department;
- 373 (b) Needs of the STEP program;
- 374 (c) Needs of Cooperative Salmon Hatchery projects;
- 375 (d) Indian ceremonial needs pursuant to ORS 496.201 to 496.221.
- 376 (4) The department may give written approval for the sale of salmon carcasses or salmon eggs to the project
377 sponsor with the following conditions and consistent with OAR 635-007-0530:
- 378 (a) Only fish or eggs in excess of those required to fulfill the needs of section (3) of this rule may be sold;
- 379 (b) Project sponsor shall first obtain a wholesale fish dealer license. Monthly reports and payment of fees are
380 required as provided in OAR 635-006-0200 through 635-006-0220 on all fish sold;
- 381 (c) Proceeds from the sale of fish or eggs may only be used for the following, in accordance with a written project



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- 382 ~~agreement between the project sponsor and the department:~~
- 383 ~~(A) Actual costs incurred by the project sponsor or department, directly related to the project;~~
- 384 ~~(B) Equipment, supplies, and improvements to the project site.~~
- 385 ~~Statutory/Other Authority: ORS 496.138 & 506.119~~
- 386 ~~Statutes/Other Implemented: ORS 496.146 & 506.124]~~

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