

ODFW Fish Passage Program



2021 LEGISLATIVE REPORT

Background

It is a policy of the state to provide upstream and downstream passage of native migratory fish species in all waters where these fish were historically or presently located. The Oregon Department of Fish and Wildlife (ODFW) Fish Passage Program¹ administers the state's fish passage policy as required in ORS 509.585 and corresponding administrative rules in 635-412-0005 to 0040. This law, adopted in 2001 requires fish passage be addressed at all artificial obstructions (AO's) prior to specific trigger events which include construction, replacement, abandonment, or a fundamental change in permit status at an AO. ODFW is required to review and approve all fish passage plans prior to these trigger events. ODFW began revisions to Oregon Administrative Rules governing fish passage in 2021 and will continue rule updates through 2022. Funding constraints continue to be a limiting factor to barrier removal or repair in Oregon.

Program Accomplishments

- ODFW continues to seek fish passage solutions and develop collaborative funding partnerships at the state's high priority barriers identified on the 2019 Statewide Priority Barrier List.
- In 2021 ODFW removed a high priority barrier weir at the ODFW owned Cedar Creek Fish Hatchery. The weir at this location delayed Chinook, steelhead, coho, lamprey and cutthroat from accessing 14 miles of habitat in Three Rivers (Nestucca River Basin). A new inflatable weir and fish ladder was constructed at this site. The new fish ladder provides passage of fish at this location when the weir is operational.
- ODFW continues to collaborate with private water users and landowners to address passage at existing barriers through the ODFW cost share program (ODFW 60%). A tax credit is also available to help offset landowner costs. In 2021 this funding program has supported completion of 3 fish passage restoration projects.
- In 2021 ODFW issued 108 fish passage approvals, 6 fish passage waivers and 5 fish passage exemptions.
- Since 2015 ODFW has received \$4.3 million to a fish passage compensation fund through a culvert repair programmatic agreement with ODOT. Through 2021, \$2.9 million of these funds have been implemented and resulted in the completion of 21 high-priority projects and have provided access to approximately 600 miles and 3000 acres of native migratory fish habitat. ODFW and ODOT plan to extend this agreement through 2031.



North Unit Diversion Dam, Deschutes River near Bend



East Fork of South Fork Trask River Dam near Tillamook. Dam permanently removed in 2017.

What is a Fish Passage Barrier?

- “Artificial Obstructions” means any dam, diversion, culvert, tide gate or other human-made device placed in waters of the state that precludes the migration of native migratory fish.
- Native migratory fish include 32 different species that migrate for their life cycle needs (trout, salmon, sturgeon, suckers, lamprey, mountain whitefish, surf smelt and eulachon).



Page Springs Weir, Donner and Blitzen River near Frenchglen.

How Many Fish Passage Barriers Exist in Oregon?

- Approximately 38,100 potential AO’s exist in Oregon’s waters.
- ODFW manages a priority list, updated every 5 years, to focus passage efforts in areas of greatest potential benefit.
- Presently, 587 Statewide High-Priority AO’s impede access to nearly 10,000 miles of historic native migratory fish habitat.

Fish Passage Task Force

ORS 509.590 directs ODFW to establish a Fish Passage Task Force to advise the director and the State Department of Fish and Wildlife on matters related to fish passage in Oregon, including but not limited to funding, cost sharing and prioritization of efforts. Members serve up to two four-year terms and represent the public at large, owners-operators of AOs, and fishing and conservation interests. The Task Force reviews and makes recommendations on all fish passage waiver and exemption requests, rule revisions and presently plays a pivotal role in many program initiatives.

Task Force Members include:

| MEMBER | LOCATION | REPRESENTING | APPOINTED |
|--------------------|-----------|--------------------------|----------------|
| Kelly Moore | Corvallis | Fishing and Conservation | October 2019 |
| Denise Hoffert | Albany | Fishing and Conservation | October 2018 |
| Terry Turner | Gladstone | Fishing and Conservation | September 2017 |
| Steve Albertelli | Ashland | Owners-Operators of AO’s | October 2019 |
| April Snell | Salem | Owners-Operators of AO’s | April 2021 |
| Fred Messerle | Coos Bay | Owners-Operators of AO’s | June 2021 |
| Zak Toledo | Salem | Public-At-Large | September 2017 |
| William Cunningham | Bend | Public-At-Large | November 2015 |
| Ken Bierly | Salem | Public-At-Large | November 2015 |



Greg Apke, Statewide Fish Passage Program Coordinator, 503-947-6228

For more information, visit the ODFW fish passage website at <https://www.dfw.state.or.us/fish/passage/>.

Fish Passage Program Initiatives

- Tide gates continue to be a significant fish passage issue with over 1,200 tide gates on the Oregon Coast's estuaries and tidal waterways. Many will need repair or replacement in the near future. Tide gates protect critical infrastructure, agricultural and private lands from flooding and saline intrusion, but also impair fish passage. Estuarine habitat is critically important for pacific salmonids and coastal marine fishes. ODFW is a partner in ongoing statewide efforts to identify, inventory and prioritize tide gates. New funding administered through Business Oregon and strategic state and federal regulatory permitting strategies have been developed and will be ready for implementation over the next few years. Additional information on tide gates and the Oregon Tide Gate Partnership can be found at [Oregon Tide Gate Partnership](#).
- Fish passage administrative rules were adopted in 2006 by the Oregon Fish and Wildlife Commission (OFWC). These rules continue to play a pivotal role in ODFW's successful implementation of the state's fish passage policy. These rules have not been revised since original adoption. The intent of the rule revisions is to more clearly define and incorporate the latest research on fish passage engineering design criteria and advance the rules to better reflect the ODFW Climate and Ocean Change Policy. Presently, ODFW is working with a sub-committee comprised of members from the Oregon Fish Passage Task Force and stakeholder groups to formulate rule revision concepts. ODFW continues to work through public comments, host frequent public meetings and develop draft rule revisions that will be presented to the OFWC in 2022 for consideration.
- In May 2021 the Governor signed House Bill 2298, directing ODFW to adopt rules and administer a program for authorizing voluntary environmental restoration weirs in qualifying streams. As of December 2021, the Fish Passage Task Force has voted to approve the draft rules, and they are scheduled for review at the OFWC meeting in March 2022.



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