



# State of Oregon Fish Passage Approvals for Instream Habitat Restoration Actions

## Oregon Fish Passage Policy ---

The state's fish passage law (ORS 509.585) administered by Oregon Department of Fish and Wildlife (ODFW) requires owners-operators of artificial obstructions<sup>1</sup> which include channel-spanning habitat restoration structures, to notify and submit project design details for fish passage review and approval. This document clarifies when ODFW's fish passage approval is required for instream habitat restoration actions, including but are not limited to Beaver Dam Analogues<sup>2</sup> (BDA), Vertical Post Structures<sup>3</sup> (VPS), Post-Assisted Log Structures<sup>4</sup> (PALS), and Artificial Beaver Dams<sup>5</sup> (ABDs) (*definitions from referenced footnotes 6 and 7*) and describes the ODFW fish passage review and approval procedures. These procedures may depend on the type, scope and location of projects. Unless otherwise specifically identified in this document, all other instream channel-spanning habitat restoration structures shall require coordination with ODFW. Individual project plan application submittal for ODFW review and approval may be required.

## Instream Habitat Restoration Actions Not Requiring Fish Passage Approval

**BDA, VPS and PALS projects do not require ODFW fish passage review and approval if they are:**

- Proposed in a stream with no current or historic native migratory fish presence. OAR 635-412-005(32) defines native migratory fish species (*contact local ODFW fish biologist to verify native migratory fish species presence*), or
- Non-channel spanning structures, or
- Floodplain spanning BDA's or VPS's with no less than 10 inches of open space between untreated wood posts, vertical posts heights no greater than 12 inches above the dominant floodplain terrace elevation and leave non-woven or unfilled multiple gaps in the structure between vertical posts to provide fish passage.

## Instream Habitat Restoration Actions Requiring Fish Passage Approval

**Channel spanning BDA & PALS projects designed and implemented consistent with the Beaver Restoration Guidebook (2018 version 2.01)<sup>6</sup> and the Low-Tech Process-Based Restoration of Riverscapes<sup>7</sup> require ODFW review and are eligible for expedited ODFW Fish Passage Approvals. To receive an expedited Fish Passage Approval, projects must:**

- Complete and submit BDA/PALS Fish Passage Application ([ODFW Fish Passage](#)) and show how the proposed BDA or PALS are designed to accomplish specific habitat restoration goals and will be implemented consistent with the methods and techniques identified by the references in this document (*see references 6 and 7 below*).

<sup>1</sup> "Artificial Obstruction" is defined in ORS 509.580(1) as any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish.

<sup>2</sup> "BDA" (Beaver Dam Analogue) is a manmade channel spanning low profile temporary structure placed in waters of the state comprised of organic materials and with a porous organic material weave between untreated wood posts built to mimic a natural beaver dam for the purpose of providing beaver habitat and restoring and enhancing water quality and instream native fish habitat(s). "Porous organic material weave" means loose configuration that allows passage of water through interstitial spaces. Over-engineered, hardened, persistent structures that do not resemble a natural beaver dam and interfere with natural instream and floodplain processes are not considered BDAs.

<sup>3</sup> "VPS" (Vertical Post Structure) is a manmade low profile temporary structure that only places untreated wood posts vertically across a stream.

<sup>4</sup> "PALS" (Post Assisted Log Structure) are comprised of large diameter woody materials of various sizes pinned together with untreated wooden posts driven into streambed substrates to mimic natural wood accumulations.

<sup>5</sup> "ABD" (Artificial Beaver Dam), also known as a "Restoration or Rock Check Dam", is a manmade non-porous structure placed in waters of the state typically constructed of rock and non-organic materials that do not mimic the materials that beaver use to construct dams.

<sup>6</sup> Pollock, M.M., G.M. Lewallen, K. Woodruff, C.E. Jordan and J.M. Castro (Editors) 2018. The Beaver Restoration Guidebook: Working with Beaver to Restore Streams, Wetlands, and Floodplains. Version 2.01. Online@: [OFWO - Beaver Restoration](#)

<sup>7</sup> Wheaton J.M. et al. 2019 Low-Tech Process-Based Restoration of Riverscapes Design Manual Version 1.0 [Riverscapes Restoration Design Manual](#)

- Show how structure(s) are hand-built, permeable, low-profile, temporary, made with organic materials, mimic natural beaver dam functions and will be maintained to not become fish passage obstructions.
  - If project conforms to the design and implementation principles identified in the references listed above, ODFW will issue an expedited fish passage approval.
  - Expedited fish passage approvals will include an email notification from ODFW and may include project specific conditions if determined appropriate.
  - Projects in the Klamath Basin where sucker species (*threatened, endangered or others*) are present require additional specific design reviews, are subject to more restrictive fish passage design criteria and may be ineligible for expedited fish passage approvals.

**BDA, VPSs, and PALS project(s) that do not conform with the references and requirements identified above, ABDs, and other channel spanning instream habitat restoration projects not identified by this document must submit the standard ODFW Fish Passage Plan Application to receive ODFW Fish Passage Approval.**

### How to Obtain State of Oregon Fish Passage Approval from ODFW

- Contact and coordinate with the local ODFW fish biologist at least 3-months in advance of project implementation. Pre-project coordination shall include a site visit. From this, ODFW will identify site-specific fish species and life history use and other site considerations during project design and development.
- Obtain a BDA/PALS Fish Passage Plan Application or a Standard Fish Passage Plan Application from ODFW's fish passage website: [ODFW Fish Passage](#) .
- Complete the application and submit to the local ODFW District Fish Biologist and Fish Passage Program Coordinators (see below).
- BDA/PALS expedited Fish Passage Approvals should be approved within 2-3 weeks.
- Allow at least 30 to 60 days for review and approval of all other Fish Passage Plans or Applications, assuming fish passage design criteria are achieved.
- In-water work windows shall be implemented, unless otherwise negotiated by ODFW: [ODFW IN-WATER WORK WINDOW TIMING](#) .
- *Other state, federal and local permits may be required.*

### ODFW Fish Passage Program Contacts

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