The Oregon Department of Fish and Wildlife (ODFW) administers Oregon Fish Passage Statutes (ORS 509.580 through 509.910) and corresponding Administrative Rules (OAR 635-412-0005 through 0040). It is a policy in the State of Oregon to provide upstream and downstream passage for native migratory fish. Fish passage is required in all waters of this state in which native migratory fish are currently or were historically present. With some exceptions defined in ORS 509.585, a person owning or operating an artificial obstruction may not construct or maintain any artificial obstruction across any waters of this state that are inhabited, or historically inhabited, by native migratory fish without providing passage for these fish. Projects that construct, install, replace, extend, repair or maintain, and remove or abandon dams, dikes, levees, culverts, roads, water diversion structures, bridges, tide gates or other hydraulic facilities are triggers to Oregon’s fish passage rules and regulations. Prior to these “trigger events” or construction activities, owners/operators of projects shall submit fish passage plans to ODFW for review and subsequent approval. Fish passage plans shall demonstrate how specific fish passage design criteria, defined in OAR 635-412-0035 (1-11), are achieved. ODFW fish passage approval is dependent on how these passage design criteria are met.

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Visit ODFW’s Fish Passage Program Website for additional information and submittal forms for fish passage plans @ ODFW Fish Passage Web site or www.dfw.state.or.us/fish/passage/
Definitions
(9) "Construction" means:
   (a) Original construction;
   (b) Major replacement, which includes:
      (A) for dams and diversions, excavation or replacement of 30 percent by
      structure volume of the dam, including periodic or seasonal replacements, unless:
         (i) only checkboards are replaced, or
         (ii) fish passage approval has already been obtained in writing from
      the Department for expected replacement;
      (B) for tide gates and flood gates:
         (i) cumulative replacement of over 50 percent of the gate material,
         or,
         (ii) cumulative removal, fill, replacement, or addition of over 50 percent of the structure supporting the gate, excluding road-stream crossing structures;
      (C) for dikes, berms, levees, roads, or other artificial obstructions that
      segment estuaries, floodplains, or wetlands:
         (i) activities defined under OAR 635-412-0005(9)(d) in all locations
         where current channels cross the artificial obstruction segmenting the
         estuary, floodplain, or wetland, or
         (ii) the cumulative removal, fill, replacement, or addition of over 50 percent by volume of the existing material directly above an historic channel
         or historically-inundated area; and
      (D) for other artificial obstructions, the cumulative removal, fill,
      replacement, or addition of over 50 percent of the structure comprising the artificial
      obstruction to native migratory fish migration;
   (c) Structural modifications that increase storage or diversion capacity; or
   (d) For purposes of culverts, installation or replacement of a roadbed or culvert,
   further defined as:
      (A) roadbed installation or replacement at culverts includes any activity that:
         (i) creates a road which crosses a channel,
         (ii) widens a roadfill footprint within a channel, or
         (iii) fills or removes over 50 percent by volume of the existing
         roadbed material directly above a culvert, except when this volume is
         exclusively composed of the top 1 foot of roadbed material;
      (B) culvert installation or replacement includes any activity that:
         (i) installs or constructs a new culvert, overflow pipe, apron, or wingwall
         within a channel,
         (ii) extends existing culverts, aprons, or wingwalls within a channel, except
         one-time placements of culvert ends which do not extend greater than 1 foot beyond
         the adjacent road footprint in place prior to August 2001,
         (iii) cumulatively through time makes significant repairs or patches to over
         50 percent of the linear length of a culvert,
(iv) replaces any part of a culvert, except ends which become misaligned or eroded and which are replaced to their original configuration,
(v) at any point along the linear length of a culvert, reduces the entire inside perimeter of the culvert, or
(vi) makes replacements, repairs, patches, or modifications to an existing culvert that are different than the original configuration and which reduce any level of fish passage for native migratory fish with current access, as determined by the Department, to the culvert.

Abandonment of an artificial obstruction also triggers Oregon’s fish passage laws, as per ORS 509.585 (4).

A person owning or operating an artificial obstruction shall, prior to construction, fundamental change in permit status or abandonment of the artificial obstruction in any waters of this state, obtain a determination from the department as to whether native migratory fish are or historically have been present in the waters. If the department determines that native migratory fish are or historically have been present in the waters, the person owning or operating the artificial obstruction shall either submit a proposal for fish passage to the department or apply for a waiver pursuant to subsection (7) of this section. Approval of the proposed fish passage facility or of the alternatives to fish passage must be obtained from the department prior to construction, permit modification or abandonment of the artificial obstruction.

ODFW’s fish passage authority extends to all native migratory fish species which are defined by the following species, (ORS 635-412-0005 (32)):

"Native migratory fish" means native fish (as defined under OAR 635-007-0501) that migrate for their life cycle needs. These fish include all sub-species and life history patterns of the following species listed by scientific name in use as of 2005. Common names are provided for reference but are not intended to be a complete listing of common names, sub-species, or life history patterns for each species.

(a) Green Sturgeon  (m) Warner sucker  (w) Coho salmon
(b) White Sturgeon  (n) Shortnose sucker  (x) Steelhead, Rainbow and Redband trout
(c) Redtail surperch  (o) Surf smelt  (y) Sockeye/Kokanee salmon
(d) Bridgelip sucker  (p) River lamprey  (z) Chinook salmon
(e) Lost River sucker  (q) Pit-Klamath lamprey  
(f) Largescaler sucker  (r) Miller Lake lamprey  (aa) Mountain whitefish
(g) Modoc sucker  (s) Klamath River lamprey  (bb) Northern pikeminnow
(h) Goose Lake sucker  (t) Pacific lamprey  (cc) Umpqua pikeminnow
(i) Mountain sucker  (u) Coastal, Lahontan and (dd) Bull trout
(j) Klamath smallscale sucker  West Slope cutthroat trout  (ee) Longfin smelt
(k) Klamath largescale sucker  (v) Chum salmon  (ff) Eulachon
(l) Tahoe sucker
Fish District Boundaries and Contacts

Note: assistant district fish biologists are listed in italics

Fish Districts

Watershed Districts

Counties

North Coast Watershed

Mid-Coast

Coos-Coquille

South Coast

South Coast Watershed

Deschutes Watershed

Upper Willamette

Mid Willamette

Columbia

Willamette Watershed

Umpqua Watershed

North Coast Watershed

Mid-Columbia

Upper Rogue

Umatilla Watershed

Upper Willamette

Coos-Butte District

Wallowa Watershed

Klamath Watershed

Special 3

Maritime

Note: assistant district fish biologists are listed in italics

Fish District Boundaries and Contacts

Fish Districts

Watershed Districts

Counties

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