

# OREGON FISH PASSAGE POLICY



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<sup>1</sup>. 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<sup>2</sup> 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"<sup>3</sup> 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.

## ODFW Fish Passage Program Contact Information:

### Greg Apke

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Statewide Fish Passage Program Coordinator  
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### Ken Loffink

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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](http://www.dfw.state.or.us/fish/passage/) or [www.dfw.state.or.us/fish/passage/](http://www.dfw.state.or.us/fish/passage/)

<sup>1</sup> "Native Migratory Fish" species are defined in OAR 635-412-0005(32) and on page three of this handout.

<sup>2</sup> "Artificial Obstruction", as defined in 509.589(1) means any dam, diversion, culvert or human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish.

<sup>3</sup> "Trigger Events" are more thoroughly defined in OAR 635-412-0005(9) and on page 2 of this handout.

**Oregon Administrative Rules Oregon Department of Fish and Wildlife**  
**DIVISION 412**  
**FISH PASSAGE**

**635-412-0005**

**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 |
| (c) Redtail surfperch         | (o) Surf smelt             | Redband trout              |
| (d) Bridgelip sucker          | (p) River lamprey          | (y) Sockeye/Kokanee salmon |
| (e) Lost River sucker         | (q) Pit-Klamath lamprey    | (z) Chinook salmon         |
| (f) Largescale 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



Fish Districts



Watershed Districts



Counties

**Grande Ronde Watershed**

Note: assistant district fish biologists are listed in *italics*

## North Coast

Vacant  
Robert Bradley  
Ron Rehn / STEP  
503-842-2741

## NWWD - Coast Range

Tom Murtagh  
(971)673-6044  
Josie Thompson  
(971)673-6064

**North Coast Watershed**

## N. Willamette Watershed

**NWWD - Cascade Unit**  
Todd Alsbury  
Ben Walczak  
Jeff Fulop/STEP  
971-673-6000

## Mid Willamette

Elise Kelley x249  
Alex Farrand x239  
Karen Hans/STEP x251  
541-757-4186

## S. Willamette Watershed

## Upper Willamette

Jeff Ziller  
Kelly Reis  
Katherine Nordholm/STEP  
541-726-3515

## Mid-Coast

John Spangler x224  
Derek Wilson x236  
Christine Clapp/STEP x253  
541-265-8306

## Coos-Coquille

Mike Gray  
Gary Vonderohe  
Tom Rumreich/STEP  
541-888-5515

## Umpqua Watershed

**Umpqua**  
Greg Huchko  
Jason Brandt  
Evan Leonetti/STEP  
541-440-3353

## Upper Rogue

## South Coast

Dan VanDyke  
Dave Haight  
Pete Samarin  
Ryan Battleson/STEP  
541-826-8774  
Todd Confer  
Steve Mazur  
John Weber/STEP  
541-247-7605

## Mid-Columbia

Rod French  
Jason Seals  
541-296-4628

## Deschutes Watershed

## Deschutes

Brett Hodgson  
Erik Moberly  
541-388-6363  
Tim Porter (Prineville)  
541-447-5111  
Jen Luke/STEP (Bend)  
541-388-6366

## Klamath

Elizabeth Moats (acting)  
541-883-5738  
Bill Tinniswood  
541-883-5732  
Vacant (Lakeview)  
541-947-2950

## Klamath Watershed

## Umatilla

Bill Duke  
541-276-2344

## John Day Watershed

## John Day

Trevor Watson  
Brent Smith  
541-575-1167 x 225

## La Grande

Tim Bailey  
541-963-2138

## Wallowa

Jeff Yanke  
Kyle Bratcher  
541-426-3279

## Malheur Watershed

## Southeast

Dave Banks (Hines)  
Ben Ramirez  
541-573-6582

## Rogue Watershed