

635-009-0090

Salmon and Trout Enhancement Program

These Rules guide the Department's administration, including project evaluation and approval, of the Salmon and Trout Enhancement Program (STEP) as authorized under the provisions of ORS 496.430, et seq. These rules also govern the STEP Advisory Committee's membership and meeting frequency.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.430 et seq.

History:

DFW 97-2023, amend filed 09/19/2023, effective 09/19/2023

FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

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) "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) "Committee" means the Salmon and Trout Enhancement Program Advisory Committee.
- (4) "Egg Incubation Project" means project in which eggs are contained and hatched and resultant fry are released unfed.
- (5) "Enhancement" means resource conservation, utilization and educational activities that contribute to the recovery and sustainability of native fish.
- (6) "Enhancement Project" is any project authorized by the Department in accordance with these rules.
- (7) "Fish Propagation" means to rear fish for release (includes egg incubation).
- (8) "Mark" means a distinctive identification such as a removed fin or characteristic scale pattern, or both; 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.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.430 & ORS 537.142

History:

DFW 97-2023, amend filed 09/19/2023, effective 09/19/2023

FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0096

Salmon and Trout Enhancement Program Advisory Committee; Membership

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

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

(b) In recommending the committee appointments, the Department may consider the following:

(A) Ensuring that the Committee's membership reflects the demographic and geographic diversity of Oregon;

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

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

(c) The term of office of a member of the Committee is four years, and a member is eligible for reappointment and may serve up to two consecutive full terms.

(d) Members shall:

(A) Be an Oregon resident;

(B) Have knowledge of STEP activities, work conducted by STEP biologists, volunteers, and partner organizations;

(C) Be in good standing with the Department's Statewide Volunteer Program;

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

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

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

(e) Members of the Committee will represent the following regions:

(A) North Coast;

(B) Mid-Coast;

(C) South Willamette Valley;

(D) North Willamette Valley;

(E) Coos-Coquille-Tenmile;

(F) Umpqua;

(G) South Coast;

(H) Upper Rogue; and

(l) Eastern Oregon.

(2) The Committee shall select officers and may form sub-committees as necessary to carry out business of the Committee.

(3) A member of the Committee will not receive compensation from the Department for services as a member. A member may be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.460

History:

DFW 97-2023, adopt filed 09/19/2023, effective 09/19/2023

635-009-0097

Committee Meetings

(1) Committee meetings are public meetings and must be conducted in compliance with requirements of the Oregon Public Meetings Law, ORS 192.610 et seq.

(2) The Committee will meet no less than twice each calendar year to carry out the business of the Committee.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.460 & ORS 192.610 – ORS 192.695

History:

DFW 97-2023, adopt filed 09/19/2023, effective 09/19/2023

635-009-0100

Salmon and Trout Enhancement Program Policy and Goals

(1) It is the policy of the Fish and Wildlife Commission, in carrying out the provisions of ORS 496.430, et seq., that the STEP shall be conducted to benefit all users of the salmon and trout resources of this state.

(2) STEP goals are:

(a) Provide the greatest possible opportunity for citizen volunteer participation in achieving the Department's management objectives;

(b) Rehabilitate and enhance natural habitat of salmon and trout;

(c) Rehabilitate and enhance populations of salmon and trout; and

(d) Support and promote an education program to increase the public's understanding of Oregon's aquatic resources and the environment.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.435, ORS 496.440 & ORS 496.445

History:

DFW 97-2023, amend filed 09/19/2023, effective 09/19/2023

FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

FWC 45-1981, f. & ef. 12-21-81

635-009-0105

Salmon and Trout Enhancement Program Community Advisors

As identified in ORS 496.445, the Department will assist citizen volunteers with implementation of STEP. A STEP coordinator and STEP biologist shall act as community advisors to:

- (1) Provide technical assistance, education, and training to citizens responsible for implementation of enhancement projects;
- (2) Cooperatively develop enhancement projects with citizen volunteers;
- (3) Review projects to ensure compliance with applicable rules, plans, and policies;
- (4) Coordinate the implementation of enhancement projects with the activities of the Department and other agencies;
- (5) Provide educational and informational materials to promote public awareness and involvement in the STEP;
- (6) Supervise the activities of citizens undertaking enhancement projects;
- (7) Evaluate enhancement projects with the citizens responsible for project implementation;
- (8) Coordinate grants of funds to citizens for the implementation of approved enhancement projects from such moneys as may be available; and
- (9) Provide educational and informational materials, and organize events, to increase the public's understanding of Oregon's aquatic resources and the environment.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.445

History:

DFW 97-2023, amend filed 09/19/2023, effective 09/19/2023

FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

FWC 45-1981, f. & ef. 12-21-81

635-009-0106

STEP Volunteers

- (1) Citizens and groups assisting with implementation of STEP projects are subject to the Department's policies governing volunteers.
- (2) The Department will provide training as outlined in OAR 635-007-0506 and 635-007-0548.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.440 & ORS 496.445

History:

DFW 97-2023, adopt filed 09/19/2023, effective 09/19/2023

635-009-0107

Propagation of Fish Through STEP

- (1) The use of hatchery programs through STEP is important to provide citizen volunteer participation (ORS 496.440) and provide optimum fishery (ORS 506.109) and conservation benefits.
- (2) All STEP hatchery-related projects and associated propagation of fish must comply with the Department's Hatchery Management Policy OAR 635-007-0542 through 635-007-0548.
- (3) All STEP propagation projects must be implemented consistent with:
 - (a) The Native Fish Conservation Policy outlined in OAR 635-007-0502 through 635-007-0509;
 - (b) The Fish Health Management Policy outlined in OAR 635-007-0965 through 635-007-0995; and
 - (c) The Climate and Ocean Change Policy outlined in OAR 635-900-0001 through 635-900-0020.
- (4) For STEP propagation projects, all eggs, fish, and any portions thereof continue to be the property of the State of Oregon.
 - (a) It is unlawful to transport, hold, handle, possess, or release eggs or fish except as specifically authorized by the Department and when applicable a Fish Transport Permit in accordance with OAR 635-007-0600.
 - (b) All fish returning to a STEP propagation project must be handled and disposed of in accordance with OAR 635-007-0545(14).
- (5) In the event of unforeseen shortages of eggs or fish, changes in facility availability or status, the Department may implement revisions to a STEP project as necessary. Any revision will be discussed with the STEP project sponsor to minimize impact to facility operations.
- (6) The Department's or Commission's approval, as applicable, of a STEP project that includes the use of water will be considered "certified" pursuant to ORS 537.142.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.440, ORS 506.109 & ORS 537.142 **History:**

DFW 97-2023, adopt filed 09/19/2023, effective 09/19/2023

635-009-0110

Salmon and Trout Enhancement Program Project Application

- (1) The Department, any citizen, or group of citizens, may propose a project for implementation under STEP. Projects may include but are not limited to:
 - (a) Improvements to aquatic habitats to provide resilience for expected future conditions;
 - (b) Stocking or acclimation of Department-sponsored fish releases;
 - (c) Monitoring or research of fish populations, habitats, and water conditions over time;

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

(e) Propagation projects including harvest hatchery, conservation hatchery, egg incubation, and rearing, acclimation, and release of fish.

(2) Following consultation with a STEP Biologist, the proposed project application shall be submitted in writing on forms provided by the Department.

(3) Projects which are initiated and administered by the Department do not need to apply under this section unless the Department is seeking a water right exemption as identified in ORS 537.142 to support a project that will be implemented with the assistance of volunteers.

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

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.450 & ORS 537.142

History:

DFW 97-2023, amend filed 09/19/2023, effective 09/19/2023

FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

FWC 45-1981, f. & ef. 12-21-81

635-009-0115

Salmon and Trout Enhancement Program Project Approval

(1) The Department's approval will be based on whether the project complies with Department policies, fish management goals and objectives, including, as applicable, the criteria identified in OAR 635-009-0107.

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

(3) Approval of projects shall be for a time period determined by the Department based on the type of project.

(4) Project proposals will be evaluated by the Department prior to approval to determine that:

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

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

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

- (d) The potential impact on all fish species, the environment, and contribution to the resource are acceptable;
- (e) Prior to operation, all required federal, state, and local permits have been obtained;
- (f) Prior to operation, any required fish screen, disease control mechanisms, and isolation facilities will be in place and operating;
- (g) The fish and egg production meets criteria shown in previously-approved programs for release size, time, and mark rate, and disease control regulations will be met; and
- (h) The applicant has sufficient resources available to ensure continued successful operation of the project and, when applicable, adequate husbandry of fish.

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

(6) The Department may choose to not issue project approval if:

(a) The propagation of the fish specified in the application will be the first introduction of that species into the watershed in which the proposed facility is located;

(b) For fish propagation projects, the Department finds the project or operation, as proposed by the applicant, is not consistent with relevant conservation plans developed under the Native Fish Conservation Policy;

(c) For habitat, monitoring, and education projects, the Department finds the project or operation, as proposed by the applicant, would tend to be harmful to existing fish populations in or below the project site;

(d) The Department finds the applicant violated any terms of any license, permit, or operational plan issued by the Department; or

(e) The Department finds the applicant has failed to comply with any relevant statute, rule, or reporting requirements.

Statutory/Other Authority: ORS 496.138 & ORS 496.146

Statutes/Other Implemented: ORS 496.450

History:

DFW 97-2023, amend filed 09/19/2023, effective 09/19/2023

FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

FWC 45-1981, f. & ef. 12-21-81

635-009-0120

Salmon and Trout Enhancement Program Revocation or Amendment of Project Approval

(1) The Department may revoke or amend its approval of a STEP project if it determines:

(a) The project applicant engaged in or is undertaking an activity inconsistent with all provisions of approval, including those identified in OAR 635-009-0115;

(b) There has been a violation of any term or condition imposed on the project by the Department, including failure to cooperate or participate with the Department's Volunteer Code of Conduct; or

(c) There are not sufficient moneys available to fund the Department's continued involvement in the project.

(2) The revocation of a project's approval shall automatically invalidate any Department Permits issued for such project as of the date of revocation and may result in confiscating (reclaiming) by the Department of any fish or eggs used in the project.

(3) Revocation of the approval for a project is in addition to and not in lieu of other penalties provided by law.

(4) The Department may temporarily curtail or amend any aspect of the project to ensure compliance with project proposal or terms and conditions of the Department's approval of the project. Prior to revocation:

(a) The Department will notify the Committee of the proposed revocation;

(b) The Committee may review and make a recommendation to the Department; and

(c) The Department will consider the Committee recommendations before the Department revokes any project approval.