

ODFW Fish Passage Program



LEGISLATIVE REPORT January 9, 2023

Background

It is a policy of the State of Oregon to provide upstream and downstream passage for 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 Program administers the state's fish passage policy as required in ORS 509.585 and corresponding administrative rules in 635-412-0005 to 0065. This law, adopted in 2001 requires fish passage be addressed at all artificial obstructions (AO's) at the time of specific events including 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 events.

Fish Passage Program Accomplishments and Initiatives

- 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. Thanks to the support from a broad group of stakeholders, ODFW was appropriated \$8 million in Drought Funds for fish passage in the 2022 legislative session. ODFW staff have worked extensively with local watershed partners, non-profits, state agencies, tribes and others to identify and fund high impact projects. ODFW has currently allocated 6.4 million towards 66 different fish passage restoration projects. These funds will make investments to both fish passage project design and construction. Once fully implemented, these projects are estimated to improve access to approximately 500 miles of stream habitat and 1,100 acres of estuarine habitat for native migratory fish species with benefits to a variety of fish species including coho, steelhead, Pacific lamprey, Chinook, Redband trout, Cutthroat trout, sucker and Tui Chub.
- 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 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](#).



Balm Grove Dam on Gales Creek near Banks was permanently removed summer 2022 (statewide priority barrier).

Greg Apke, Statewide Fish Passage Program Coordinator, 503-947-6228 or greg.d.apke@odfw.oregon.gov
For more information, visit the ODFW fish passage website at <https://www.dfw.state.or.us/fish/passage/>.



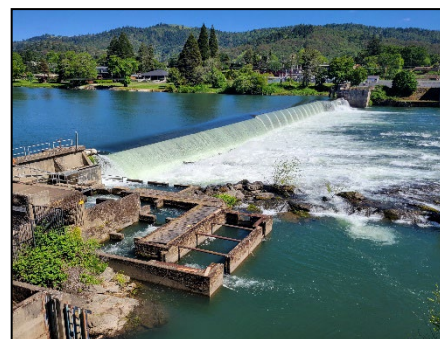
- Revised fish passage administrative rules were adopted by the Oregon Fish and Wildlife Commission (OFWC) on December 16th, 2022. These new rules became effective January 1, 2023 and will continue to play a pivotal role in ODFW’s successful implementation of the state’s fish passage policy. Key changes to the fish passage rules include new definitions to provide clarity to the public, clarification of fish passage triggers at existing dams, updates to design criteria, and improvements to program efficiency which will allow Department staff to focus on priority fish passage restoration actions. The new rules better align state and federal design criteria standards for culvert projects, the Private Forest Accord, and with the ODFW Climate and Ocean Change Policy.
- In March 2022, OFWC adopted environmental restoration weir administrative rules and the ODFW has developed tools and procedures for landowners to implement environmental restoration weirs (ERW’s). This program is intended to simplify restoration on small, incised streams in Eastern Oregon’s closed basins.
- ODFW continues to collaborate with fish passage barrier owners to address fish passage through the ODFW cost share program. A tax credit is also available to help offset landowner costs.
- Since 2015 ODFW has received \$4.3 million to a fish passage compensation fund through two culvert repair programmatic agreements with ODOT. In 2022, the OFWC extended this agreement with ODOT through 2031 and will provide an additional \$8.82 million to fund high priority fish passage restoration actions.
- For the second half of 2022 ODFW issued 40 fish passage approvals, and 1 fish passage exemption.
- ODFW has submitted a Policy Option Package (POP) as part of the 2023-25 Agency Request Budget to fund a position that was lost in 2021 due to lack of funds. From 2010-2021 this position existed to assist with the administration and implementation of the State’s fish passage program and authorities associated with ORS 509.580 – 509.910. ODFW has attempted to manage this program with one less staff person; however, the position associated with this package is essential for the agency to be able to continue to meet the responsibilities associated with the administration of the State’s fish passage policy.

What is a Fish Passage Barrier?

- “Artificial Obstruction” (AO) or passage barrier 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 38 different species that migrate for their life cycle needs (trout, salmon, sturgeon, suckers, lamprey, mountain whitefish, surf smelt, eulachon and others).

How Many Fish Passage Barriers Exist in Oregon?

- Approximately 42,780 potential AOs exist in Oregon’s waters.
- ODFW manages a statewide priority list, updated every 5 years, to focus passage efforts in areas of greatest potential benefit. Efforts will begin in 2023 to develop a new statewide list for adoption in 2024.
- Presently, 591 Statewide High-Priority AO’s impede access to nearly 10,000 miles of historic native migratory fish habitat.



Winchester Dam North Umpqua River near Roseburg.

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, <i>Vice chair</i>	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, <i>Chair</i>	Salem	Public-At-Large	November 2015

