



Oregon Administrative Rules Oregon Department of Fish and Wildlife

DIVISION 007

FISH MANAGEMENT AND HATCHERY OPERATION

635-007-0501

Definitions

As used in this Division and Division 40:

- (1) "Anadromous" means fish which migrate from saltwater to freshwater for spawning.
- (2) "Aquaria species" means those fish commonly sold in the pet store trade for use in home aquaria. "Aquaria" are any tanks, pools, ponds, bowls or other containers intended for and capable of holding or maintaining live fish and from which there is no outfall to any waters of this state.
- (3) "Aquatic habitat" means the waters which support fish or other organisms which live in water and which includes the adjacent land area and vegetation (riparian habitat) that provides shade, food, and/or protection for those organisms.
- (4) "Area" means a stream, a lake, a group of streams or lakes, or a portion of the ocean managed for or with a common stock of fish, or for protection of a stock or stocks of fish.
- (5) "Biological requirements" refers to those environmental conditions such as water quality, water quantity, and available food that are necessary for fish to grow and/or reproduce.
- (6) "Brood stock" means a group of fish, generally from the same population, that are held and eventually artificially spawned to provide a source of fertilized eggs for hatchery programs.
- (7) "Brood year" means the year in which more than fifty percent of the adults in a population of fish spawn.
- (8) "Commission" means the Oregon Fish and Wildlife Commission.
- (9) "Compensation" means activities that replace fish, or their habitat lost through development or other activities.
- (10) "Conservation" means managing for sustainability of native fish so that present and future generations may enjoy their ecological, economic, recreational, and aesthetic benefits.
- (11) "Cooperative Salmon Hatchery Project" means a fish propagation enhancement project authorized under OAR 635-009-0400 through OAR 635-009-0455.
- (12) "Department" means the Oregon Department of Fish and Wildlife.
- (13) "Depressed" means below established goal such as a fish production or escapement goal shown in a management plan or below the level of production or escapement that the Commission determines to be an optimal level.
- (14) "Disease" means problems caused by infectious agents, such as parasites or pests, and by other conditions that impair the performance of the body or one of its parts.
- (15) "Disease agent" means an organism that is detrimental to fish.
- (16) "Endemic disease" means a disease commonly detected in a population of naturally produced native fish.
- (17) "Enhancement" means management activities including rehabilitation and supplementation that increase fish production beyond the existing levels.
- (18) "Export" means to transport any fish or eggs out of state.
- (19) "Facility Manager" means hatchery manager, owner or person responsible for compliance with these rules.
- (20) "Fish" means all game fish as defined by ORS 496.009 and food fish as defined by ORS 506.036, which live or could live in the waters of this state.
- (21) "Fish Hatchery" means a facility at which adult broodstock are held, or where eggs are collected and incubated, or where eggs are hatched, or where fish are reared.
- (22) "Fry" means fish which have recently hatched and have not fed.
- (23) "Foreign" means fish which originate through human intervention from a different population.
- (24) "Genetic engineering" means the introduction of genetic material into an organism's genotype through molecular genetics techniques.
- (25) "Genetic Resources" means the kind and frequency of genes found within a population or collection of populations.
- (26) "Genotype" means the kinds of and the combination of genes possessed by an individual.
- (27) "Goal" means a statement of intent which leads to policy, rules, and operation plans for implementation of a Department Program.
- (28) "Hatchery produced fish" means a fish incubated or reared under artificial conditions for at least a portion of its life.
- (29) "Hatchery production system" means the fish, facilities and operations associated with collecting, spawning, incubating, rearing, distributing and releasing hatchery produced fish.



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- (30) "Hatchery Program" means a program in which a specified hatchery population is planted in a specified geographical location.
- (31) "Hold fish" means to capture and/or remove live fish in or from the waters of this state and/or maintain live fish in captivity but does not include fish held live for less than one day for examination and release without transfer from the waters where caught or collected.
- (32) "Import" means to transport fish or eggs into the state.
- (33) "Indigenous" means descended from a population that is believed to have been present in the same geographical area prior to the year 1800 or that resulted from a natural colonization from another indigenous population.
- (34) "Marine species" means those fish found in the ocean or the saline or brackish water of estuaries or bays along the coast, but not generally found in freshwater streams.
- (35) "Mitigation" means to lessen the impact of activities or events that cause fish or habitat loss.
- (36) "Native fish" means indigenous to Oregon, not introduced. This includes both naturally produced and hatchery produced fish.
- (37) "Naturally produced" means fish that reproduce and complete their full life cycle in natural habitats.
- (38) "Naturally Spawmed" means fish produced in the natural environment as the result of natural reproduction.
- (39) "Natural production system" means the fish and environment associated with completing the life-cycles of naturally produced fish populations.
- (40) "Nongame Fish" means any fish other than those specifically defined as game fish in ORS 496.009.
- (41) "Operation plan" means an action plan developed by the Department that generally addresses how the objectives in a management plan for harvest or production of a species shall be attained.
- (42) "Optimum" means the desired fish production level as stated in management plans or set by specific Commission action.
- (43) "Phenotype" means any characteristic of an organism that is determined by the organism's genes, genotype and the environment.
- (44) "Policy" means mandatory direction or constraints that provide the framework for Department programs.
- (45) "Population" means a group of fish originating and reproducing in a particular area at a particular time which do not interbreed to any substantial degree with any other group reproducing in a different area or in the same area at a different time.
- (46) "Presmolt" means a juvenile anadromous fish which has fed and reared but is not yet a smolt.
- (47) "Production" means the number or pounds of fish raised in a hatchery or resulting from natural spawning and rearing in freshwater, estuarine, or ocean habitats; also used in reference to harvest.
- (48) "Propagation of fish" means the spawning, incubating, and/or rearing of fish by a human for sale, release or other uses.
- (49) "Random mortality" means fish mortality that generally does not affect the genotypic or phenotypic traits of fish populations.
- (50) "Rehabilitation" means short-term management actions which may include fish stocking, habitat improvement, harvest management, or other work, that restore fish populations depressed by natural or man-made events.
- (51) "Release" means liberating fish or allowing fish to move into waters of the state.
- (52) "Risk" means the extent to which, a management practice may reduce population productivity or cause an undesirable change in genetic characteristics of a population.
- (53) "Sensitive" means those fishes that have been designated for special consideration pursuant to OAR 635-100-0040.
- (54) "Selective mortality" means fish mortality that generally affects the genotypic and phenotypic traits of fish populations.
- (55) "Serious depletion" means a significant likelihood that the species management unit will become threatened or endangered under either the state or federal Endangered Species Act.
- (56) "Significant or substantial" means a condition of sufficient magnitude such that it is likely to influence continued natural production at optimum levels.
- (57) "Smolt" means a juvenile salmon or trout that is capable of initiating a seaward migration and is capable of living in the sea.
- (58) "Species" means any group or population that interbreeds and is substantially reproductively isolated.
- (59) "Species hybridization" means the crossing of two different taxonomic species.
- (60) "Species management unit" means a collection of populations from a common geographic region that share similar genetic and ecological characteristics.
- (61) "STEP" means Salmon Trout Enhancement Program.



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(62) "Stock" means an aggregation for management purposes of fish populations which typically share common characteristics such as life histories, migration patterns, or habitats.

(63) "Stray" means a hatchery fish that spawns naturally in a location different from the location intended when the fish was stocked.

(64) "Supplementation" means continued planting of fish to maintain or increase fish abundance in areas where natural production is insufficient to meet management objectives.

(65) "Sustainable" means persistence over time, that is to say the ability of a population or a species management unit to maintain temporal, spatial, genetic, and ecological coherence while withstanding demographic, environmental, and genetic variation and catastrophic events from natural and human induced causes.

(66) "Taxonomic species" means a group of fish that have been assigned a scientific name in the form of genus and species by the American Fisheries Society Committee on Common and Scientific Names of Fishes.

(67) "Transfer" means moving fish from one facility to another or to waters of the state.

(68) "Transgenic fish" means fish that have genes or groups of genes that have been transferred from another organism through the process of genetic engineering.

(69) "Wild fish" means any naturally spawned fish in the taxonomic classes, Agnatha, Chondrichthyes, and Osteichthyes, belonging to an indigenous population.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 9-12-03, ef. upon filing

Native Fish Conservation Policy

635-007-0502

Purpose of the Native Fish Conservation Policy

The purpose of this policy is to ensure the conservation and recovery of native fish in Oregon. The policy focuses on naturally produced native fish. This focus is because naturally produced native fish are the primary basis for Endangered Species Act (ESA) delisting decisions and the foundation for long-term sustainability of native species and hatchery programs. Conservation of hatchery produced native fish is also important to maintain opportunities for fisheries and aid conservation of naturally produced fish. The Hatchery Management Policy describes conservation of hatchery produced native fish.

The intent of the Native Fish Conservation Policy is to provide a basis for managing hatcheries, fisheries, habitat, predators, competitors, and pathogens in balance with sustainable production of naturally produced native fish. The policy has three areas of emphasis. The first is defensive to ensure the avoidance of serious depletion of native fish. The second is more proactive to restore and maintain native fish at levels providing ecological and societal benefits. The third ensures that, consistent with native fish conservation, opportunities for fisheries and other societal resource uses are not unnecessarily constrained. This approach will allow Oregon to play a vital role in the recovery of ESA listed species and the prevention of future listings.

The policy embraces the case-by-case application of a wide range of conservation and utilization strategies tailored to individual watersheds and situations. Policy implementation will likely illustrate a variety of management approaches across the landscape, such as areas focused on hatchery programs complemented with areas where hatchery influences are avoided.

The policy shall be implemented through conservation plans. Plans shall be developed in collaboration with management partners and the public, and will identify the desired and existing status of native fish, key limiting factors, management options to address these factors, and monitoring required to evaluate success. The Oregon Plan for Salmon and Watersheds, as well as other local and regional forums, shall provide the context for development, implementation and coordination of these plans. Existing rules shall guide management until conservation plans are completed.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 11-8-02, ef. upon filing



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635-007-0503

Native Fish Conservation Policy Goals

- (1) Prevent the serious depletion of any native fish species by protecting natural ecological communities, conserving genetic resources, managing consumptive and nonconsumptive fisheries, and using hatcheries responsibly so that naturally produced native fish are sustainable.
- (2) Maintain and restore naturally produced native fish species, taking full advantage of the productive capacity of natural habitats, in order to provide substantial ecological, economic, and cultural benefits to the citizens of Oregon.
- (3) Foster and sustain opportunities for sport, commercial, and tribal fishers consistent with the conservation of naturally produced native fish and responsible use of hatcheries.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 11-08-02, ef. upon filing

635-007-0504

Key Elements of Native Fish Conservation Policy

- (1) Naturally produced fish are foundational to the long-term sustainability of native fish species, hatchery programs, and fisheries in Oregon. Therefore, conservation of naturally produced native fish species in the geographic areas to which they are indigenous is the Department's principal obligation for fish management.
- (2) The Native Fish Conservation Policy applies to all geographic areas within the State's jurisdiction.
- (3) The Department shall manage native fish to meet the following objectives:
 - (a) to maintain and restore sustainable naturally produced native fish species living and reproducing successfully in their natural environments;
 - (b) to provide recreational, commercial, cultural, and aesthetic benefits of optimum native fish populations to present and future citizens; and
 - (c) to contribute benefits to their ecosystem such as carcass nutrients and food for other species.
- (4) Hatcheries shall be used responsibly to help achieve the goals of this policy. The Hatchery Management Policy describes the hatchery tool and its range of applications, as well as additional guidance concerning the conservation and management of native hatchery produced fish. Other tools include but are not limited to the management of habitat, harvest, competitors, predators, and fish health.
- (5) In restoring naturally produced native fish, and when weighing options for conservation action, the Department shall generally:
 - (a) give priority to management actions that address and help remedy the primary factors of decline (i.e. limiting factors);
 - (b) consider economic effects required by ORS 183.335(2)(b)(E); and
 - (c) consider the potential for success.
- (6) The Department shall manage for sustainability of naturally produced native fish at the level of the species management unit. In developing sustainability standards, the Department shall:
 - (a) incorporate the importance of population structure within each species management unit, and
 - (b) base the sustainability standards on biological attributes directly related to species performance, as described in OAR 635-007-0505 (6).
- (7) When faced with scientific uncertainty concerning fish management, including status assessments and the effectiveness of recovery strategies, the Department shall proceed with precautionary strategies scaled to the conservation risk. Less precautionary strategies may be allowed if:
 - (a) the Department determines that monitoring, evaluation and responsive management will keep biological risks within acceptable limits, or
 - (b) The Department implements specific research to address management uncertainties.
- (8) The Department shall manage nonnative fish and hatchery based fisheries to optimize user benefits consistent with conservation of naturally produced native fish species.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 11-8-02, ef upon filing



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635-007-0505

Implementing the Native Fish Conservation Policy

(1) Conservation Plans: The Native Fish Conservation Policy shall be implemented primarily through conservation plans developed for individual species management units and adopted by the Commission. Conservation plans shall illustrate a range of options for recovery strategies, fisheries and the responsible use of hatchery produced fish and may include subbasin plans, NOAA Fisheries recovery plans, and other plans that address the elements contained in subsections (5), (6), (7), and (8) of this rule.

(2) Conservation plans shall be based on the concept that locally adapted populations provide the best foundation for maintaining and restoring sustainable naturally produced native fish.

(3) Planning and implementation shall proceed incrementally, consistent with available funding, according to priorities established by the Department with collaboration and input from affected tribal governments, management partners, and the public. The Department shall place highest priority on developing conservation plans for species management units having one or more of the following characteristics:

(a) contain fish that are listed under the federal or state Endangered Species Act or as a state sensitive species or contain naturally produced native fish populations that demonstrate continued decline or extirpation from a significant portion of their range;

(b) contain new hatchery programs or existing hatchery programs that need substantial change;

(c) have high public interest or economic or other impact on the local community; or

(d) where the Departmental resources available for the planning and implementation efforts will likely lead to a significant increase in naturally produced native fish.

(4) The Department shall develop and maintain a statewide list of species management units and their constituent populations, including appropriate hatchery produced fish, for native fish belonging to the genus *Oncorhynchus*. Lists for other taxonomic groups will be developed as prioritized pursuant to subsection (3) of this rule.

Plan Contents

(5) Native fish conservation plans will address the following elements:

(a) identification of the species management unit and constituent populations pursuant to subsection (4) of this rule;

(b) description of the desired biological status relative to biological attributes contained in subsection (6) of this rule;

(c) description of current status relative to biological attributes contained in subsection (6) of this rule;

(d) an assessment of the primary factors causing the gap between current and desired status, if there is a gap, and identify factors that can be managed;

(e) a description of the short- and long-term management strategies most likely to address the primary limiting factors;

(f) a description of monitoring, evaluation, and research necessary to gauge the success of corrective strategies and resolve uncertainties;

(g) a process for modifying corrective strategies based upon the monitoring, evaluation and research results;

(h) measurable criteria indicating significant deterioration in status, triggering plan modification to begin or expand recovery actions;

(i) annual and long-term reporting requirements necessary to document data, departures from the plan, and evaluations necessary for adaptive management, in a format available to the public;

(j) a description of potential impacts to other native fish species.

(6) Measurable Criteria: Each native fish conservation plan shall include specific, measurable criteria of species performance. Depending upon available information, criteria will be developed for the following primary biological attributes:

(a) distribution of populations within unit;

(b) adult fish abundance for constituent populations;

(c) within and among population diversity;

(d) population connectivity;

(e) survival rate to each critical life history stage;

(f) standardized rate of population growth for constituent natural populations;

(g) forecast likelihood of species management unit persistence in the near and long terms.

(7) Conservation plans shall also contain secondary criteria such as migration timing, spawn timing, age structure, sex ratios, stray rates, habitat complexity, artificial barriers, and harvest rates. These secondary criteria shall be used to help assess and link the effectiveness of management actions to address limiting factors as they affect the primary biological attributes described in subsection (6).



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(8) Process for Developing Plans: When developing fish conservation plans, delineating naturally reproducing populations, and defining species management unit borders, the Department shall:

(a) use the most up-to-date and reliable scientific information and, as appropriate, convene an ad hoc team of scientists for collaboration and assistance;

(b) solicit the assistance and independent peer review by scientists including but not limited to the Independent Multidisciplinary Science Team and university fishery management programs; and

(c) seek input and involvement from appropriate tribal, state, local, and federal management partners, university programs, and the public. Affected tribal governments shall be consulted in the development and implementation of conservation plans.

(9) Interim Measures: Until an individual conservation plan is completed for a species management unit, the Department shall continue to manage native fish in that unit according to existing statutes, administrative rules, Commission directives and binding agreements. In addition, the Department shall manage such populations in a manner that will avoid addition of new species to the State "Sensitive Species" list. Development of conservation plans shall be governed by this Native Fish Conservation Policy. Implementation of those plans shall be as specified in the plan.

(10) Status Reports: The Department shall prepare and present to the Commission an Oregon native fish species status report at timely intervals adequate to track progress, or at the request of the Commission or Director. This report shall include:

(a) identification of all existing native fish conservation plans;

(b) status assessments addressing biological attributes related to species performance as described in subsection (6) of this rule and the methods and assumptions used to make these assessments, including those used because of missing or insufficient data; and

(c) appropriate modifications to the list of populations and species management units, and additional research needs.

(11) Cooperative Recovery Planning: In implementing the Native Fish Conservation Policy and consistent with the Oregon Plan, the Department will encourage the development of complementary policies and plans by other state and federal regulatory agencies and tribes that supports a unified conservation effort.

(12) The Commission shall revise existing fish management basin plans as necessary to support the implementation of Native Fish Conservation Policy conservation plans. The Commission shall make appropriate revisions to affected fish management basin plans when the Commission approves the corresponding conservation plan. Pending approval of a specific conservation plan, the conservation of native fish populations shall be guided by fish management basin plans. However, if adherence to such basin plans will likely prevent the affected populations from meeting the Native Fish Conservation Policy interim criteria described in 635-007-0507, then the interim criteria will be used by the Department to guide the conservation of native fish populations. For those populations without basin plans, the Department shall use the Native Fish Conservation Policy interim criteria described in 635-007-0507 to guide the conservation of such populations.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 9-12-03, ef. upon filing

635-007-0506

Education and Training

(1) The Department shall develop a training curriculum for staff, Commissioners, management partners, and the public that focuses on the Native Fish Conservation Policy and its implementation.

(2) Training shall be provided as deemed appropriate by the Director.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 11-8-02, ef. upon filing

635-007-0507

Interim Criteria

As temporary guidance to ensure the conservation of native fish prior to the completion of conservation plans, the Department shall use the interim criteria described in this rule. Once a conservation plan is approved, these interim criteria will no longer apply to the species management unit. In addition, for state endangered species



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covered by an associated endangered species management plan, as described in OAR 635-100-0140, these interim criteria do not apply.

(1) Existing Populations – No more than 20% of the historical populations within the species management unit have become extinct and no natural population within the species management unit in existence as of 2003 shall be lost in the future. Further, if the historical species management unit contained more than one race (e.g., summer and winter steelhead), then each race must be represented by at least 2 populations.

For at least 80% of the existing populations within each species management unit or for selected index populations identified in the stock status report as described in 635-007-0505(10), interim criteria (2) through (6) must be exceeded in at least 3 years during the most recent 5-year time interval.

(2) Habitat Use Distribution - Naturally produced members of a population must occupy at least 50% of a population's historic habitat.

(3) Abundance - The number of naturally produced spawners must be greater than 25% of the average abundance of naturally produced spawners over the most recent 30 year time period.

(4) Productivity – In years when the total spawner abundance is less than the average abundance of naturally produced spawners over the past 30 years, then the rate of population increase shall be at least 1.2 adult offspring per parent. Where offspring are defined as naturally produced adults that survive to spawn and parents are defined as those adults of both natural plus hatchery origin that spawned and collectively produced the observed offspring.

(5) Reproductive Independence – At least 90% of the spawners within a population must be naturally produced and not hatchery produced fish, unless the department determines the hatchery produced fish are being used in a short-term experimental program to help restore a population in its natural habitat or otherwise directed by a court order.

(6) Hybridization - The occurrence of individuals that are the product of deleterious hybridization with species that are non-native to the basin in which they are found must be rare or nonexistent.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 9-12-03, ef. upon filing

635-007-0509

Implementation of Interim Criteria

(1) Species management units that do not meet, or that the department determines are unlikely to meet in the near future, at least four of the interim criteria specified in 635-007-0507 shall be classified as "at risk." Species management units that meet four but no more than five of the interim criteria specified in 635-007-0507 shall be classified as "potentially at risk." Species management units that meet all interim criteria specified in 635-007-0507 shall be classified as "not at risk."

(2) For those species management units classified as potentially at risk, the Department shall document this finding in the native fish species status report as described in 635-007-0505(10) and give an elevated priority to the species management unit with respect to development of statewide monitoring strategies and conservation plan development.

(3) For those species management units classified as at risk, the Department, in addition to actions described in 635-007-0509(2), shall implement, within the Department's statutory authority, fish management changes likely to improve the conservation status of the conservation management unit, based upon a documented evaluation of the primary factors impacting fish within the species management unit. The Department shall respond as soon as possible to an improvement in the conservation status of the species management unit with a reclassification of the unit consistent with the guidance provided in 635-07-0509(1).

(4) In applying interim criteria, the Department recognizes that data may not be available to assess all populations belonging to a species management unit. The Department also recognizes that even when data for a population are available they may not be of sufficient detail or collected over a sufficient time period. In these circumstances, to determine if a population meets the interim criteria, it will be necessary to make inferences from those populations within the species management unit for which sufficient information is available or by using alternative qualitative and quantitative information and analyses to approximate interim criteria metrics. In evaluation of such species management units for conformity to the interim criteria, the Department shall document the assumptions and inferences associated in making this evaluation.



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Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 9-12-03, ef. upon filing

635-007-0530

Sale of Salmon and Trout and Their Eggs

(1) The Department will sell salmon and trout or the eggs of salmon and trout after first assuring that within the capability of the Department to do so, the policy of the state as set forth in ORS 496.012 relating to trout and ORS 506.109 relating to salmon (food fish) has been met and that such fish and eggs are surplus to the fish production needs of the state as determined by the Department in accordance with the established general priority for use of salmon eggs and fingerlings and in accordance with statutes relative to handling of surplus property.

(2) Within established priorities, eggs will first be sold to those prospective purchasers who will directly or indirectly provide the greatest benefit to the public fisheries of Oregon.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.124

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84

635-007-0535

Releasing Resident Fish in Private Waters

It is the policy of the Department to refuse to release fish into private waters which are not open to the general public. However, the Department may release fish into:

(1) Public waters where reasonable access use fees are assessed to recover maintenance costs or from which fish will migrate to waters open to public access.

(2) Private ponds from which the Department may take fish for releasing in public waters.

(3) Ponds where there are Department supervised experimental programs to explore pond management procedures.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.129

Hist.: Adopted 1-15-92, ef. 2-1-92

FISH HATCHERY MANAGEMENT POLICY

635-007-0542

Purpose of the Hatchery Management Policy

(1) The purpose of the Hatchery Management Policy is to describe the hatchery tool and its range of applications. The Hatchery Management Policy also provides general fish culture and facility guidelines and measures to maintain genetic resources of native fish populations spawned or reared in captivity. This policy applies to all Department hatchery operations and programs including Salmon and Trout Enhancement Program (STEP) fish propagation projects (OAR 635-009-0090 through 635-009-0240) and Cooperative Salmon Hatchery Programs (OAR 635-009-0400 through 635-009-0455).

(2) This policy describes best management practices that are intended to help ensure the conservation of both naturally produced native fish and hatchery produced fish in Oregon through the responsible use of hatcheries. The conservation of hatchery produced fish is important to maintain opportunities for fisheries and aid conservation of naturally produced native fish.

(3) The Hatchery Management Policy complements and supports the Native Fish Conservation Policy OAR 635-007-0502 through 635-007-0506 and will be implemented through conservation plans developed for individual species management units, hatchery program management plans, or other formal agreements with management partners. The Hatchery Management Policy provides a foundation for the management and reform of hatcheries in Oregon, whereas the Native Fish Conservation Policy establishes the process for defining the specific use of the hatchery tool in specific watersheds.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 5-9-03, ef. upon filing



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635-007-0543

Hatchery Management Policy Goals

- (1) Foster and sustain opportunities for sport, commercial and tribal fishers consistent with the conservation of naturally produced native fish.
- (2) Contribute toward the sustainability of naturally produced native fish populations through the responsible use of hatcheries and hatchery-produced fish.
- (3) Maintain genetic resources of native fish populations spawned or reared in captivity.
- (4) Minimize adverse ecological impacts to watersheds caused by hatchery facilities and operations.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 5-9-03, ef. upon filing

635-007-0544

Operating Principles for Hatchery Management

- (1) Hatchery management and reform will generally proceed from the following hatchery premise: The ideal hatchery removes as many random mortality effects as possible without having any other influence on the natural life or experience of native fish and their habitats. The hatchery premise has five main components that managers shall strive to incorporate into hatchery programs:
 - (a) Removing random mortality occurring in the natural environment;
 - (b) simulating selective mortality operating in the natural environment;
 - (c) minimizing artificial selection;
 - (d) providing fish rearing and training experiences to reduce unnatural behaviors; and
 - (e) minimizing ecological impacts associated with hatchery operations (e.g., competition and predation associated with release location and number, pathogen transfer and amplification, pollutants, passage barriers, overharvest of weak stocks in mixed stock fisheries).
- (2) Success moving toward the premise in subsection (1) will be largely dependent on funding, research, program type, and facility or operating flexibility.
- (3) Hatchery program management plans shall be developed and implemented in consultation and cooperation with management partners and the public, and in coordination with native fish conservation policy plans at local and regional scales.
- (4) Hatchery programs shall be managed to provide optimum fishery and conservation benefits, based on the best available scientific information. Most programs will contribute toward fish management objectives primarily by raising fish for harvest while minimizing the impact on, or benefiting, fish that spawn naturally.
- (5) Hatchery facilities shall be operated to maximize fish quality and minimize adverse impacts to watersheds, consistent with fish management objectives, applicable permits and agreements.
- (6) Monitoring and evaluation shall be adequate to measure progress toward fish management and hatchery program objectives, contain risks within acceptable limits, and provide feedback for adaptive management.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 5-9-03, ef. upon filing

635-007-0545

Hatchery Program Management Plans

- (1) The Department shall develop hatchery program management plans for all hatchery programs. Clear management objectives that describe the role and expectations for hatchery programs relative to species conservation, watershed health and fisheries shall be the foundation for all hatchery program management plans. A hatchery program management plan may be a Hatchery and Genetic Management Plan, a Lower Snake River Compensation Plan annual operating plan, an aspect of a conservation plan developed under the Native Fish Conservation Policy (OAR 635-007-0502 through -0506) or similar document which describes the program's objectives, fish culture operations, facilities operations, and monitoring and evaluation, as more fully detailed in subsections (2) through (24) of this rule.



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Planning and Coordination of Hatchery Programs

- (2) When developing hatchery program management plans, the Department shall use the most up to date and reliable scientific information and seek the input and involvement of appropriate tribal, state and federal management partners, university programs and the public.
- (3) The Native Fish Conservation Policy (OAR 635-007-0502 through -0506) provides the primary process for planning and coordinating hatchery programs, but these programs shall also be coordinated with obligations arising in other forums (e.g., *U.S. v. Oregon*, Lower Snake River Compensation Plan, Pacific Salmon Treaty) to avoid inconsistency and duplication.
- (4) Coordination objectives include:
- (a) Efficient use of resources (including sharing of facilities, staff, equipment and supplies);
 - (b) improved communication among managing entities to share information and experience, jointly resolve issues, and promote common objectives pursued at local and regional scales.
- (5) Hatchery program management plans shall be submitted to and approved (or modified) by the Fish Division. The Fish Division may waive the requirement to include specific elements of a hatchery program management plan upon a determination that the requirement would provide no appreciable benefit to hatchery management or native fish conservation.
- (6) The Department shall continue to operate a hatchery program according to existing statutes, administrative rules, Commission directives, and binding agreements until that program's plan is approved.

Hatchery Program Objectives and Types

- (7) Hatchery program objectives and types shall be based on fish management objectives established via conservation plans (OAR 635-007-0505) or other binding agreements. Until conservation plans or other agreements are in place, hatchery program objectives and types will be based on existing statutes, rules, Commission directives and current management direction.
- (8) Hatchery program management plans shall include measurable criteria relating to the following general objectives:
- (a) Conservation and/or fishery benefits;
 - (b) a net survival advantage (egg to adult) over naturally produced fish;
 - (c) minimal adverse interactions (e.g., competition, predation, genetic introgression, and disease amplification) of hatchery programs with naturally produced native fish populations;
 - (d) minimal adverse effects (e.g., water quality and quantity, solid and chemical wastes and fish passage) of hatchery facility operations on watershed health and native fish populations; and
 - (e) sustainability of hatchery programs over time.
- (9) Department hatchery programs will generally be distinguished as harvest or conservation hatchery programs. A single hatchery may have both harvest and conservation hatchery programs. If harvest and conservation programs are not distinguished, the Department shall clarify harvest and conservation objectives and their relative priorities.
- (10) Harvest hatchery programs operate to enhance or maintain fisheries without impairing naturally reproducing populations. Operations shall integrate hatchery and natural production systems (e.g., locally-derived hatchery broodstocks, rearing containers simulating natural characteristics) if necessary for conservation, within funding and facility constraints and consistent with fishery management objectives. Harvest hatchery programs shall also separate (e.g., temporally, spatially, visually) hatchery produced and naturally produced native fish in fisheries and on spawning grounds as necessary for conservation. The hatchery program management plan may be designated as one of the following harvest hatchery program types:
- (a) Harvest augmentation, which is used to increase fishing and harvest opportunities where there is no mitigation program in place;
 - (b) mitigation, which is used pursuant to an agreement to provide fishing and harvest opportunities lost as a result of habitat deterioration, destruction or migration blockage.
- (11) Conservation hatchery programs operate to maintain or increase the number of naturally produced native fish without reducing the productivity (e.g., survival) of naturally produced fish populations. Conservation hatchery programs shall integrate hatchery and natural production systems to provide a survival advantage with minimal impact on genetic, behavioral and ecological characteristics of targeted populations. Implementation shall proceed with caution and include monitoring and evaluation to gauge success in meeting goals and control risks. Long-term conservation success shall be tied to remediating causes of the decline that resulted in the need



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for hatchery intervention. Once goals are met then the hatchery program will be discontinued. The hatchery program management plan may be designated as one of the following conservation hatchery program types:

- (a) Supplementation, which routes a portion of an imperiled wild population through a hatchery for part of its life cycle to gain a temporary survival boost, or brings in suitable hatchery produced fish or naturally produced native fish from outside the target river basin to supplement the imperiled local population;
- (b) restoration, which outplants suitable non-local hatchery produced or naturally produced native fish to establish a population in habitat currently vacant for that native species using the best available broodstock;
- (c) captive brood, which takes a portion or all of an imperiled wild population into a protective hatchery environment for the entire life cycle to maximize survival and the number of progeny produced;
- (d) captive rearing, which takes a portion of an imperiled wild population into a protective hatchery environment for only that part of its life cycle that cannot be sustained in the wild;
- (e) egg banking, which temporarily removes a naturally produced native fish population from habitats that cannot sustain it and relocates the population to another natural or artificial area that can support the population;
- (f) cryopreservation, which freezes sperm from naturally produced native fish for later use in conservation hatchery programs;
- (g) experimental, which investigates and resolves uncertainties relating to the responsible use of hatcheries as a management tool for fish conservation and use.

Fish Culture Operations

(12) Fish culture operations shall comply with fish health requirements of OAR 635-007-0549.

(13) Broodstock selection and collection. Hatchery program management plans shall identify the broodstock best able to meet the objectives of the type of program in which the broodstock will be used.

(a) For harvest hatchery programs, broodstock shall be used that best meet fishery objectives, consistent with conservation objectives to ensure risk to naturally produced native fish and their watersheds is within acceptable and clearly defined limits.

(A) For some harvest hatchery programs, fishery and conservation objectives will be best met using existing hatchery broodstocks and managing for minimal spatial or temporal overlap of hatchery produced and naturally produced native fish in spawning areas.

(B) For other harvest hatchery programs, fishery and conservation objectives will be best met using broodstocks derived from, or transitioning to, naturally produced native fish from the local watershed. This approach shall not be used if available data indicates the donor wild population will be impaired, or if conservation objectives are better met with existing hatchery broodstocks, or if hatchery programs are located in areas with too few naturally produced native fish to supply the hatchery broodstock;

(b) For conservation hatchery programs, broodstock shall be derived from the wild population targeted for hatchery intervention, or from nearby wild or hatchery populations with desired characteristics if the targeted wild population is extirpated or too depressed to provide brood fish;

(c) Broodstock maintenance shall be consistent with the fishery and conservation objectives established for the hatchery program.

(A) Hatchery program management plans shall identify effective population size targets and other strategies to reduce risk of inbreeding depression, genetic drift and domestication for broodstocks developed under subsection (a)(A).

(B) Hatchery program management plans shall identify target and allowable proportions of hatchery produced and naturally produced native fish incorporated into broodstocks developed under subsections (a)(B) and (b), consistent with conservation plan objectives.

(d) Broodstock collected shall represent the genetic variability of the donor stock by taking an unbiased representative sample with respect to run timing, size, gender, age and other traits important for long-term fitness of the population. The Fish Division may approve a deviation from this subsection if necessary to shift run timing and other characteristics of long-term hatchery broodstocks to better coincide with characteristics of wild populations in the watershed or to meet fish management goals. Hatchery program management plans shall explain the reason for any deviations;

(e) Facilities and methods used to collect broodstock shall minimize stress and maximize survival of fish to spawning, consistent with management objectives.

(14) Disposition of adult hatchery produced fish returning to hatchery facilities. Adult hatchery produced fish returning to collection facilities shall be used to meet program objectives and, if available, provide other ecological, societal and program benefits, consistent with objectives for watershed health and native fish conservation.



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(a) Hatchery programs will be managed to meet, but not exceed, program objectives for returning adult fish. Environmental variation and other factors outside of management control may result in significantly less or more fish than planned.

(b) Adult hatchery produced fish returning to hatchery facilities shall be allocated among the categories of uses described in order of preference in subsections (c) and (d). The Department need not satisfy all potential uses within a category before providing fish to uses in lower categories. The Fish Division may approve additional uses or deviations from the stated order of preference to satisfy agreements with management partners, respond to unique situations or respond to unforeseen circumstances.

(c) Order of preference for disposition of adult hatchery produced fish returning to or collected at harvest hatchery program facilities:

(A) meet broodstock needs for the program;

(B) release live, spawned fish back into the wild if specified in management plans for species able to spawn more than once;

(C) provide fish for tribal ceremonial and subsistence use;

(D) provide additional fishing opportunities consistent with management plans (e.g., Fishery Management and Evaluation Plans);

(E) allow hatchery produced fish to spawn naturally at locations and in numbers identified in existing fish management plans or conservation plans developed through the process outlined in the Native Fish Conservation Policy (OAR 635-007-0505);

(F) place carcasses in natural spawning and rearing areas to enhance nutrient recycling, consistent with Department of Environmental Quality requirements, management plans and pathology constraints identified in OAR 635-007-0549;

(G) provide for experimental, scientific or educational uses identified in conservation plans, management plans or other Department agreements;

(H) sell eggs and carcasses from selected facilities to provide revenues to support hatchery programs and facilities;

(I) provide fish to charitable food share programs benefiting needy Oregonians;

(J) provide fish for animal feed to animal rehabilitation shelters, zoos, or other such operations;

(K) dispose of fish in a landfill or at a rendering plant.

(d) Order of preference for disposition of adult hatchery produced fish returning to or collected at conservation hatchery program facilities:

(A) Meet natural spawning objectives of the specific hatchery program as identified in conservation plans;

(B) meet hatchery broodstock needs for the specified conservation hatchery program management plan;

(C) release live, spawned fish back into the wild if specified in conservation plans for species able to spawn more than once;

(D) place carcasses in natural spawning and rearing areas to enhance nutrient recycling, consistent with Department of Environmental Quality requirements, management plans and pathology constraints identified in OAR 635-007-0549;

(E) provide fish for tribal ceremonial and subsistence use;

(F) provide additional fishing opportunities consistent with fishery management plans (e.g., Fishery Management and Evaluation Plans).

(G) provide for experimental, scientific or educational uses identified in conservation plans, management plans or other Department agreements;

(H) sell eggs and carcasses to provide revenues to support hatchery programs and facilities;

(I) provide fish to charitable food share programs benefiting needy Oregonians;

(J) provide fish for animal feed to animal rehabilitation shelters, zoos, or other such operations;

(K) dispose of fish in a landfill or at a rendering plant.

(e) Department staff shall use standard, professionally accepted practices (such as sharp blow to head, electrical current or anesthetic overdose) to kill fish at hatchery facilities.

(15) Spawning protocols.

(a) Hatchery program management plans shall include a description of the abundance, size, age structure, gender ratios, fecundity, fertility, and spawning pairings of the broodstock.

(b) A 1:1 male-to-female spawning ratio (single pair mating, unpooled gametes) is preferred, although for harvest hatchery programs with large spawning populations (greater than 300 females) a 1:3 spawning ratio is acceptable.

(c) For critically small populations, a matrix spawning strategy shall be used to enhance effective population size and reduce variability of survival among family units.



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(d) Conservation hatchery programs may use natural spawning within natural or engineered spawning channels in an attempt to mimic natural mate selection, gender ratio, age structure, spawn timing and preferred spawning area characteristics of wild populations.

(16) Incubation protocols.

(a) Incubation methods shall be selected to best meet program objectives, consistent with facility and funding constraints. These methods may include single bucket incubation (for isolation of a single female's eggs), multiple vertical incubators, in-stream hatchboxes, or other methods suited to the available facilities. The Integrated Hatcheries Operations Team Policies and Procedures (IHOT 1995) provide acceptable, but not exclusive, guidance on water flows and egg-to-fry capacities for incubation systems. The hatchery program management plan shall include a description of and explanation for the incubation system identified in the plan.

(b) The Department shall continue providing eggs for educational classroom incubators and in-stream incubators (e.g., hatch boxes) for selected stocks in selected watersheds associated with the Salmon and Trout Enhancement Program (STEP). All STEP incubator programs shall be consistent with existing management plans or new conservation plans and hatchery program management plans.

(17) Rearing protocols.

(a) Hatchery program management plans shall describe rearing facilities and methods selected for the program and specific rearing standards used to gauge success meeting program objectives.

(b) Rearing capacity of hatchery programs shall be based on the number of fish that can be produced without adversely affecting fish growth and survivability necessary to meet program objectives.

(c) Water replacement time and velocity shall be managed to provide adequate levels of dissolved oxygen and the reduction of metabolic waste products that are harmful to fish.

(d) Experimental rearing techniques may be investigated at some hatcheries, particularly for conservation hatchery programs, to simulate natural rearing characteristics and fish behavior traits while ensuring adequate fish health, survival and production numbers to meet program objectives.

(e) Fish food and feeding shall be managed to meet production objectives (e.g., fish number, size, growth rate, health and condition), minimize waste and maintain water quality.

(f) The Department shall purchase the best fish feed products available for the best price while considering service delivery, maintenance of competition and innovation among fish feed vendors, and state preferences for recycled products. Qualifying feed manufacturers must monitor the accumulation of toxins in the fish feed they provide, and comply with standards specified by the Department.

(g) The Department shall have standardized procedures for conducting feed trials comparing feed types and coordinate results among fish hatchery managers and STEP facility managers. The Department shall maintain a centralized database of fish feed purchases and fish feed trial results.

(h) Hatchery programs may include an experimental feeding regime designed to simulate natural diets and feeding behavior (such as sub-surface feeding techniques) to align growth, physiology and maturity with natural schedules.

(18) Fish marking.

(a) Hatchery produced fish shall be marked as required to facilitate mixed stock fisheries, research, distinction of hatchery produced and naturally produced native fish throughout their life cycle as necessary for conservation, and evaluation of program objectives.

(b) The Department shall use precise fish marking methods consistent with industry standards and management needs. Mark quality (e.g., fin excision, tag placement, tag retention) shall be monitored during the marking process and prior to fish releases.

(19) Fish transfers and releases.

(a) Hatchery program management plans shall specify targets for the number, size, quality, timing, location and release strategy of fish released, based on fish management objectives established for that program (e.g., native fish conservation plans, brood source objectives, production agreements, harvest management plans, mitigation agreements).

(b) Hatchery program management plans shall include protocols to minimize stress and direct or delayed mortality associated with collecting, handling, loading, transporting and releasing fish.

(c) The Fish Division may approve emergency contingency release plans in the event of unforeseen catastrophic events at a facility.

(d) Transfer and release of any life stage of fish shall meet fish health requirements of OAR 635-007-0549.

(20) Predator control at hatchery facilities.

(a) Hatchery operations shall include strategies to reduce excessive loss of fish to predation and limit opportunities for predators to introduce pathogens to the rearing environment, within funding, facility and permit constraints.



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(b) Some hatchery programs, particularly conservation hatchery programs, may experiment with using natural predators to help avoid domestication, reduce deleterious traits and train hatchery produced fish to improve post-release survival and reduce behavioral differences between hatchery produced and naturally produced native fish.

Hatchery Facilities Operations

- (21) Hatchery facility operations shall comply with fish health requirements of OAR 635-007-0549.
- (22) Hatchery program management plans shall describe hatchery facilities and operations to optimize fish culture operations, comply with fish health requirements described in OAR 635-007-0549, and comply with legal obligations concerning water rights, water use reporting, chemical use and reporting, fish passage and water quality standards.
- (23) Reliable hatchery alarm and security systems shall be required as necessary to minimize risk of egg and fish mortalities caused by loss of water supplies or risk of vandalism and poaching. All hatchery incubation systems, rearing containers and adult fish facilities at Department hatcheries shall have alarm systems. Fish Division may grant exceptions for STEP hatch-box facilities or other temporary or remote facilities.
- (24) Hatchery water intakes and outfalls shall be screened to minimize the risk of unintended fish entering or escaping from the facility. Outfalls of fish rearing containers shall be double screened if used for fish from outside the basin that could jeopardize endemic stocks if escapes occurred.
- (25) The Department shall identify hatchery facility maintenance, modifications and upgrades necessary to comply with program objectives and other legal requirements.
- (26) Hatcheries shall provide informational signs and literature, guided tours as allowed by staffing constraints, and other programs to educate the public about fish and wildlife stewardship.
- (27) Additional provisions specific to hatchery trout programs.
- (a) The Department shall continue hatchery production of nonanadromous rainbow trout for consumptive recreational fisheries as an important and popular fish management tool.
- (b) The Department shall reduce potential impacts to wild trout, char and steelhead in streams and maximize returns to the creel such as by rearing and releasing trout for target fisheries in standing water bodies (i.e., lakes, ponds, and reservoirs) and marking trout for targeted fisheries.
- (c) All trout the Department purchases for harvest augmentation from private sources must be genetically triploid, sterile rainbow trout.

Monitoring and Evaluation

- (28) The purpose of hatchery monitoring and evaluation programs shall be to gauge success meeting hatchery program and fish management objectives, improve understanding of the reasons for success or failure, contain risks within acceptable limits, and provide feedback to modify operations through time (adaptive management). Clear management objectives that describe the role and expectations for hatcheries relative to species conservation, watershed health and fisheries shall be the foundation for all hatchery monitoring and evaluation programs.
- (29) Each hatchery program need not have its own individual monitoring and evaluation program if monitoring and evaluation on a landscape perspective provides adequate information to manage potential risks. The greater the uncertainty of the risks or results of a hatchery program, the greater the specificity of the monitoring and evaluation program must be. Each hatchery program management plan shall describe how the plan's operations and objectives will be monitored and evaluated.
- (30) Monitoring and evaluation programs shall use generally accepted scientific procedures and gather multi-generational information to evaluate hatchery programs relative to measurable criteria developed through OAR 635-007-0545.
- (31) Monitoring hatchery produced fish and their performance may include, but is not limited to:
- (a) Broodstock selection including but not limited to source, number, size, fecundity, life history, timing as percent of entire run, disease history, and disease treatment;
- (b) pre-release performance (e.g., survival, growth, disease) by life stage;
- (c) post-release survival to the adult life stage, catch distribution, fishery contributions, straying, and characteristics of adult fish (e.g., age structure, gender ratio, size, health).
- (d) production advantage provided by the hatchery relative to natural production;
- (e) water quality, flow and other physical conditions in the hatchery through the production cycle;
- (f) impacts of operation of the hatchery facilities on the adjacent habitats;



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- (g) success of the hatchery program in meeting harvest and/or conservation program objectives.
- (h) cost-benefit analysis of hatchery performance.
- (32) Monitoring and evaluation to assess impacts of the hatchery program on naturally produced native fish may include, but is not limited to:
 - (a) Impacts of broodstock selection on wild populations;
 - (b) ecological interactions of hatchery produced and naturally produced native fish resulting in changes to phenotypic, genotypic, behavioral and survival characteristics;
 - (c) timing, location and relative number of hatchery produced fish spawning naturally;
 - (d) success of maintaining long-term fitness of wild populations;
 - (e) reproductive success and fitness of hatchery produced fish in the natural environment; and
 - (f) success maintaining or enhancing natural genetic variation and life history characteristics within and among wild populations.
- (33) Results and evaluation of hatchery monitoring programs shall be compiled at intervals adequate to track success, contain risks and provide feedback for adaptive management. Monitoring results shall be made available to management partners and the public.
- (34) Hatchery monitoring and evaluation programs shall complement and coordinate with specific research addressing key uncertainties about hatchery operations, uses and consequences. Research priorities shall focus on developing hatchery strategies that minimize the risk or maximize the benefit of hatchery actions to naturally produced native fish populations.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 5-9-03, ef. upon filing

635-007-0547

Fish Hatchery Record Keeping

- (1) Hatchery managers shall provide the following records for their operations:
 - (a) All Adult Transaction (AAT) records for all adults handled at the facility.
 - (b) hatchery Mark Recovery Sampling forms to record adult fish sampled for coded-wire tags;
 - (c) Egg and Fry Records (EFR) for all eggs and fry handled at each facility;
 - (d) Monthly Pondered Fish Reports (MPR) for all fish being reared at each facility;
 - (e) Fish Loss Report/Investigation when 1,000 or more juvenile fish or 10 or more adult fish are accidentally lost in a single incident;
 - (f) Predator Mortality Report to document any fish predators that may die at the hatchery facility;
 - (g) Fish Liberation Reports (FLR) for all juvenile fish released or transported into or out of all Department fish hatchery facilities;
 - (h) Coded-Wire Tag Release Reports for all juvenile fish released with coded-wire tags;
 - (i) chemical use, waste discharge monitoring, purchasing, budgets, hazardous materials, safety, vehicles, equipment, maintenance and alarm logs.
- (2) Hatchery records will be stored in retrievable databases.
- (3) The Fish Division may add to or waive the requirements of subsection (1) as necessary to avoid paperwork yet assure proper documentation of hatchery programs.
- (4) Fish health documentation shall be maintained by the fish health section.
- (5) Each hatchery manager will write a monthly report describing program-specific hatchery activities, either in the form of a hatchery monthly progress report or in the district monthly report for STEP activities.
- (6) The Department will produce annual reports, from the data collected with the above records and reports, summarizing all the information regarding adult fish transactions, fish eggs transactions and fish releases.
- (7) The Department shall make hatchery operating costs information available on a fiscal year or biennium basis.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 5-9-03, ef. upon filing



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635-007-0548

Training of Fish Hatchery Personnel

- (1) Fish Division, regional managers, or hatchery managers shall develop training programs for staff to assure awareness of and compliance with hatchery program management plans, to keep staff abreast of new scientific and technological developments and to encourage and support staff career development.
- (2) Each hatchery shall establish a training schedule for its staff and maintain training records.

Stat. Auth.: ORS 496.012 and 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450, and 496.455

Hist.: Adopted 5-9-03, ef. upon filing

Transgenic Fish

635-007-0595

Transgenic Fish

Fish that have been modified through genetic engineering and are released into wild populations have the potential of causing adverse ecological and genetic impacts. The Department shall consider releases of transgenic fish to pose a serious risk to wild populations. The Department shall not authorize the release of transgenic fish into locations where such fish may gain access to wild fish populations.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented:

Hist.: Adopted 5-20-92, ef. 6-1-92

Fish Transport Permit

635-007-0600

Permit Required to Transport, Hold or Release Fish

- (1) Except as provided in OAR 635-007-0620 and in sections (3) and (4) of this rule, any person shall have in possession a Fish Transport Permit in order to:
 - (a) Transport live fish into, within or out of this state;
 - (b) Hold any live fish in the waters of this state; or
 - (c) Release or attempt to release any live fish into the waters of this state.
- (2) A separate Fish Transport Permit shall be obtained for each release site but not for each delivery of fish made to a site during the authorized permit period, provided the total number of fish delivered does not exceed the number authorized to be transported under the permit.
- (3) Section (1) of this rule shall not apply to:
 - (a) Aquaria species intended for aquaria use. Aquaria use means holding fish in closed systems where untreated effluent does not enter state waters;
 - (b) Shellfish taken for personal use or fish taken in duly authorized commercial fisheries. A transport permit is required for persons importing live fish for sale to wholesalers, fish dealers, retail fish dealers, restaurants, or the ultimate consumer;
 - (c) Activities authorized under a STEP Permit (OAR 635-009-0115);
 - (d) Federally licensed projects which have been approved by the Department;
 - (e) Fish transport activities specifically authorized under a Scientific Taking Permit issued by the Department.
- (4) A valid Department egg or fish shipment report, or copy thereof, may be used in lieu of a Fish Transport Permit to transport, hold or release live eggs or fish sold or provided by the Department.
- (5) The Department may refuse to issue a Fish Transport Permit on the following grounds:
 - (a) The holding or release of the fish specified in the application will be the first introduction of that species into the waters of the holding or release site;
 - (b) The Department finds the holding or release of the fish specified, either singly or in combination with the holding or release of fish under other permits, would tend to adversely affect existing fish populations in or below the holding or release site; or
 - (c) The applicant has violated any term of any statute or regulation, or any license, permit or operational plan issued by the Department;
 - (d) The applicant has failed to pay any sums it owes to the Department or which are owed to the Department under any license or permit it holds or the benefits of which it enjoys.



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Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252, 497.298, 498.222 and 498.111
Hist.: Adopted 11-16-01, ef. Upon Filing

635-007-0605

Permit Application

- (1) Any person wishing to obtain a Fish Transport Permit shall complete and submit to the Department the appropriate permit application form. Application forms are available upon request from the Oregon Department of Fish and Wildlife.
- (2) The Department may prescribe such terms and conditions in a permit as it deems necessary, including but not limited to, the period of time (usually 30 days) during which the transportation and/or release of fish is authorized.
- (3) Fish may be held for an indefinite period of time under a Fish Transport Permit. The permit, or a copy thereof, shall be made available for inspection upon request by the Department or the Oregon State Police.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252 and 498.222
Hist.: Adopted 4-16-04, f. 4-22-04, ef. 5-01-04

635-007-0610

Shipping Requirements

- (1) Any person shipping live fish or eggs within or out of this state shall provide a Fish Transport Permit to the carrier or affix such permit to the shipping container.
- (2) Any person shipping live fish or eggs into or through this state shall provide to the carrier or have affixed to the shipping container a Fish Transport Permit or a record showing:
 - (a) Name and address of person shipping fish or eggs into this state or of holder of Fish Transport Permit or Fish Propagation License;
 - (b) Name and address of consignee; and
 - (c) Number of each species of fish or eggs in the shipment.
- (3) Section (1) of this rule shall not apply to shellfish taken for personal use or fish taken in duly authorized commercial or sport fisheries, except when transported as live fish or eggs for release.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252 and 498.222
Hist.: FWC 3-1991, f. & ef. 1-18-91

635-007-0615

Unlawful Import and Release

- (1) Fish which are imported or released in violation of these rules or the laws of this state are subject to seizure or destruction by the Department at the expense of the person or company who imported or released those fish.
- (2) The Department may in its discretion prescribe alternative methods in lieu of destruction to control illegally imported fish.
- (3) The Department is not liable for the cost of destroying fish or for the cost of the fish destroyed.
- (4) The person or company who imported fish illegally shall be held liable for incidental kill of any other species due to or during destruction of illegally imported fish.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252 and 498.222
Hist.: FWC 3-1991, f. & ef. 1-18-91

635-007-0620

Transport Release of Mosquito Fish (*Gambusia sp.*)

- (1) Each county or vector control district (ORS Chapter 452) conducting a vector control program which includes *Gambusia sp.* shall obtain a Fish Transport Permit from the Department prior to transporting, holding or releasing any *Gambusia* into the waters of that county or district.
- (2) The county or district operating under a Fish Transport Permit may provide *Gambusia* to citizens of the county or district for citizen transport and release within the county or district, provided the county or district maintains a



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record of all releases. The county or district providing gambusia shall issue a receipt to parties receiving this fish. The receipt shall include:

- (a) Name of party receiving gambusia;
 - (b) Number of gambusia received;
 - (c) Date received;
 - (d) Location of waters where gambusia will be released;
 - (e) The words "This receipt is valid for transport and release of mosquito fish (*Gambusia* sp.) only";
 - (f) Signature of person at the county or district who issues the fish.
- (3) A separate Fish Transport Permit shall be obtained from the Department for transport of gambusia to waters outside the county or district.
- (4) Records of gambusia distribution, both by county or district personnel and by citizens of the county or district, shall be maintained by the respective counties or districts and shall be available for inspection by the Oregon Department of Fish and Wildlife or the Oregon State Police.
- (5) No fee will be required for permits to transport, hold or release gambusia.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252 and 498.222
Hist.: FWC 3-1991, f. & ef. 1-18-91

635-007-0625

Revocation of Fish Transport Permit

- (1) The Commission may revoke a Fish Transport Permit in accordance with the applicable provisions of ORS 183.310 through 183.500 if the holder of the permit has violated any of the terms or conditions of the permit or any statute or regulation.
- (2) Revocation of a Fish Transport Permit is in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252 and 498.222
Hist.: FWC 3-1991, f. & ef. 1-18-91

Fish Propagation License (Authorization to Propagate, Rear, and Sell Live Fish)

635-007-0650

License Required

- (1) Except as provided in section (3) of this rule, any person shall obtain a Fish Propagation License in order to propagate, rear for sale or sell any live fish.
- (2) A separate Fish Propagation License shall be obtained for each rearing site and shall be renewed annually.
- (3) Section (1) of this rule shall not apply to:
- (a) The propagation and sale of nongame aquaria species in aquaria;
 - (b) The operation of salmon hatcheries regulated under ORS 508.700 through ORS 508.745 and OAR Chapter 635, Division 040 as further clarified at OAR 635-007-0680; or
 - (c) Activities authorized under a STEP Permit (OAR 635-009-0115);
 - (d) Activities authorized under a Cooperative Salmon Hatchery Agreement (OAR 635-009-0400 through OAR 635-009-0455).
- (4) The Department may attach to the fish propagation license any terms and conditions it deems necessary to achieve compliance with Oregon laws or rules.
- (5) The Department may refuse to issue any fish propagation license if:
- (a) Applicant fails to meet any of the deadlines specified in OAR 635-007-0655;
 - (b) 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;
 - (c) The Department finds the operation, as proposed by the applicant, would tend to be harmful to existing fish populations in or below the site of the proposed propagation facility;
 - (d) The Department finds the applicant violated any terms of any license, permit or operational plan issued by the Department;



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- (e) The Department finds the applicant has failed to comply with any statute, rule or reporting requirements relevant to the operation of the propagation facility; or
- (f) The applicant has failed to pay any sums it owes to the Department or which are owed to the Department under any license or permit it holds or the benefits of which it enjoys.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252 and 506.124
Hist.: Adopted 2-21-97, ef. upon filing

635-007-0655

License Application Process

- (1) Any person wishing to obtain a new Fish Propagation License or to renew shall complete and submit to the Department the appropriate license application form. Application forms are available upon request from the Oregon Department of Fish and Wildlife. Applications to renew an existing license shall be submitted to the Department by December 1 of the year prior to the license year in order to be considered timely.
- (2) In addition to the application form, persons requesting to license a new or not yet built facility shall describe in writing:
 - (a) The location and physical layout of the facility;
 - (b) Water supply (source, quantity, presence or absence of fish, and manner of access);
 - (c) Species and sources of fish to be propagated;
 - (d) The status of applications for any required federal, state or local permit, including a water right from the Oregon Water Resources Department (WRD), a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ), and land use permits from the county in which the facility is located.
- (3) Prior to issuance of any new propagation license, the following shall be completed:
 - (a) A propagation facility operational plan shall be developed in consultation with the Department and Department approval obtained. Based on the species reared, size of operation and/or risk of escape, the Department may accept an abbreviated level of detail in the operational plan. Unless otherwise specified by the Department based on the above criteria, the operational plan shall include engineering designs of the facility drawn to scale and shall describe both the facility and its operations in detail and shall, at a minimum, include:
 - (A) Species to be reared, ponding strategies by month, and projected loading densities per pond by month;
 - (B) Pond cleaning schedules;
 - (C) Transportation schedules for fish moved into and out of the facility;
 - (D) Hatchery staff assignments;
 - (E) Fish monitoring studies;
 - (F) Facility screening, including designs, operations, and maintenance;
 - (G) Avian enclosures on each rearing container;
 - (H) Fish handling procedures;
 - (I) Fish disease treatment procedures;
 - (J) Use of quarantine and isolation facilities;
 - (K) Procedures for handling emergency situations;
 - (L) Chlorine monitoring regimen, where chlorination is required.
 - (b) Except as otherwise specified by the Department based on species reared, size of operation and/or risk of escape, the applicant shall:
 - (A) Develop and conduct fish population studies approved by the Department and funded by the applicant, sufficient to document preconstruction status of fish populations in the affected waterway; and
 - (B) Develop and fund similar studies to be conducted in subsequent years to document changes caused by hatchery operation.
- (4) In order to actually commence operation of a facility, applicants must have both a fish propagation license and specific written authorization to operate from the Department. Authorization to operate shall be granted only:
 - (a) Upon determination that all required federal, state and local permits have been obtained; and
 - (b) After inspection and acceptance by the Department of any required fish screens, avian enclosures, disease control mechanisms, and isolation facilities.
- (5) The Department shall renew propagation licenses upon acceptance of:
 - (a) A complete renewal application, submitted by December 1 of the prior year;



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- (b) Unless otherwise specified by the Department based on species reared, size of operation and/or risk of escape, a propagation facility operational plan as provided in subsection (3)(a) of this rule for the year for which the license is to be renewed, submitted by December 1 with the renewal application, which must be approved by the Department;
- (c) Unless otherwise specified by the Department based on species reared, size of operation and/or risk of escape, results of post-siting fish population studies, submitted by December 1 of the prior year; and
- (d) Documentation that any required federal, state and local permits, including appropriate WRD water rights and DEQ NPDES permits, have been obtained;
- (e) To the extent that any sales summary information or final activity report cannot be provided by December 1 due to lack of data, such information shall be provided on a separate form by January 15, as required in OAR 635-007-0660(3).

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 497.252

Hist.: Adopted 4-16-04, f. 4-22-04, ef. 5-01-04

635-007-0660

Duties of Fish Propagation Licensees

- (1) Each licensed fish propagator shall obtain a Fish Transport Permit for any fish transported to the licensed facility or from the licensed facility to another site prior to such transportation and shall provide a copy of such permit to the person transporting the fish for delivery to the person or entity who will hold the fish.
- (2) Each licensed fish propagator shall maintain at the propagation facility a record of all business transactions involving the sale, purchase, shipment or loss of fish or eggs and shall make such record available for inspection upon request by the Department or the Oregon State Police.
- (3) Each licensed fish propagator shall submit an annual report of operations by January 15 of the next year; and shall submit the report by that date even if the licensee does not intend to renew. The sales of fish shall be reported as total numbers and pounds of each species sold, either live or dead, during the year. The sales of eggs shall be reported as total numbers of each species sold during the year.
- (4) The Department may require licensed fish propagators to submit:
 - (a) Monthly routine fish health examinations by a pathologist acceptable to the Department;
 - (b) Monthly reports of fish on hand at the facility. If required, this report shall list the species, stock, number per species and stock on hand, disease losses for each stock during the month, causative agent for such losses, and remedial treatments used to reduce losses.
- (5) Each licensed propagator shall comply with all statutes and regulations of other agencies pertaining to the operation of the propagation facility.
- (6) Each licensed propagator shall comply with the terms and conditions of his license and operational plan.
- (7) Fish propagation facilities and records are subject to inspection at any time by the Department or the Oregon State Police.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 497.252

Hist.: FWC 3-1991, f. & ef. 1-18-91

635-007-0665

Purchase of Fish from Fish Propagation Licensee

- (1) No angling license is required to angle at the facilities of a licensed fish propagator.
- (2) It is *unlawful* to possess fish received from a fish propagation licensee without having a written receipt, or for the propagator to sell fish so taken without providing a written receipt, which includes:
 - (a) Name of fish propagation licensee;
 - (b) Location from which fish were taken;
 - (c) Date shipped/received;
 - (d) Name of purchaser;
 - (e) Number of each species of fish received.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 497.252

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84



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635-007-0670

Revocation of Fish Propagation License

(1) The Commission may revoke a Fish Propagation License in accordance with the applicable provisions of ORS 183.310 through 183.500 based on any of the following:

- (a) The Commission finds that the conduct of the facility would tend to be harmful to existing game fish or food fish populations; or
- (b) The licensee has violated any terms of any license, permit or operational plan issued by the Department; or
- (c) The licensee has failed to comply with any statute, rule or reporting requirement relevant to the operation of the facility; or
- (d) After request by the Department, the licensee has failed to pay any sums it owes to the Department or which are owed to the Department under any license or permit it holds or the benefits of which it enjoys.

(2) Revocation of a Fish Propagation License shall be in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 497.252

Hist.: FWC 2-1991, f. & ef. 1-18-91

635-007-0680

Relation Between Fish Propagation License and Private Salmon Hatchery Permit

(1) Fish propagation licenses are required for:

- (a) Each holding, incubation or rearing site located separately from a private salmon hatchery, regardless of whether such fish are destined for release at a private salmon hatchery;
- (b) Each holding, incubation or rearing pond located at a private salmon hatchery if the fish in those ponds are not authorized to be released under the terms of a private salmon hatchery permit.

(2) Fish propagation licenses are not required for:

- (a) Any fish held, incubated or reared at a private salmon hatchery, which are authorized to be released under the terms of a private salmon hatchery permit;
- (b) Approved STEP projects and other Department programs.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 497.252 and 506.124

Hist.: FWC 34-1991, f. & ef. 1-18-91

Fish Species - Sturgeon

635-007-0700

Purpose, Policy and Definition

(1) These rules establish a special permit system for the orderly development and conduct of an experimental program for the rearing of Columbia River white sturgeon in fish propagation facilities and to provide for the collection of oversize female sturgeon for egg taking. The total amount of oversize female sturgeon that may be collected by all persons issued permits under these rules shall not exceed eighteen (18) per calendar year as further provided in OAR 635-007-0710(2)(a).

(2) For purposes of OAR 635-007-0700 through 635-007-0720 "oversize sturgeon" means: Columbia River female white sturgeon over six (6) feet in length.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 33-1988, f. & ef. 5-24-88

635-007-0705

Obtaining Sturgeon and Eggs for Propagation

Any person desiring to propagate sturgeon must develop sturgeon brood stock from which to take eggs to continue the sturgeon propagation operation. Oversize sturgeon shall not be collected on a continuing basis to support either experimental or production rearing. Sturgeon and eggs to provide seed for propagation and development of brood stock for a fish propagation facility may be obtained in the manner described in sections (1) to (3) of this rule.



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- (1) Legal Size Sturgeon may be taken pursuant to:
 - (a) Commercial fishing activities under a valid commercial fishing license;
 - (b) Commercial fishing activities by other fishermen under a valid commercial fishing license. Sturgeon may be purchased from such fishermen, as authorized by rules for the purchase of fish from commercial fishermen. A wholesale fish dealer's license is required;
 - (c) Sport fishing activities under a valid sport fishing license. Sturgeon caught under a sport fishing license shall not be transported via land except as authorized in a fish transport permit. Sport fishermen shall not be compensated for any fish or eggs provided to a fish propagation facility operator.
- (2) Oversize Sturgeon: A person may only collect oversize female sturgeon under a special permit issued by the Department as further provided in OAR 635-007-0710. The permit will only authorize collection of fish from Oregon waters of the main stem Columbia below Bonneville Dam, unless the permittee also has a valid State of Washington permit for collecting oversize female sturgeon in Washington state waters. Any such fish collected under Washington state permits shall reduce the total number allowed to be collected in Oregon:
 - (a) In addition to open commercial fishing seasons in which legal gear may be used, a permittee may collect oversize female sturgeon by gill net having a mesh size greater than nine (9) inches, stretch measure, during the period April 1 through June 30. Nets shall be tended at all times. A commercial fishing license shall also be required;
 - (b) A permittee may personally collect oversize female sturgeon with sport gear. A sport fishing license shall also be required.
- (3) Licensed Propagation Facility: Eggs, brood stock or juveniles may be obtained from a licensed propagation facility.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 497.325 and 497.330

Hist.: FWC 33-1988, f. & ef. 5-24-88

635-007-0710

Special Permit Rules to Collect Male and Oversize Female Sturgeon

- (1) Application and Eligibility for Permit: A special permit to collect oversize female sturgeon shall be issued only to an individual. The individual applicant shall:
 - (a) Make a request in writing;
 - (b) Demonstrate in such request the individual has the technical expertise and experience to handle adult sturgeon, conduct an examination of the fish to determine the state of maturity, and take eggs without harm to the fish or eggs;
 - (c) Designate in the request an Oregon licensed fish propagation facility for fish rearing; and
 - (d) Designate in the request a landing site in Oregon for transfer of the collected fish to the fish propagation facility.
- (2) Obligations of the Permittee:
 - (a) The permittee shall not collect more than six (6) oversize female sturgeon for the purpose of holding and egg collection at the licensed fish propagation facility designated by the Department in the issued permit. Permittee may also collect up to twelve (12) male sturgeon less than six feet in length which may be held live for the purpose of fertilizing said eggs when collected;
 - (b) The permittee shall tag both males and oversize female sturgeon at the time of capture with tags provided by the Department;
 - (c) The permittee shall be present during capture and shall transport collected sturgeon, by boat, to the landing site designated in the permit for transfer to the fish propagation facility. The sturgeon may be held for a reasonable length of time for removal of ripe eggs or collection of sperm, and for recovery prior to transfer and release back to the river in good condition at the landing site. Fish transport permits are required;
 - (d) The permittee may conduct an examination of the sturgeon for maturity by making a small incision in the fish to check for ripeness. The incision shall be properly sutured prior to holding or release;
 - (e) The permittee shall carry the permit at all times when conducting operations authorized by the permit and shall cause a copy of such permit to be posted at the propagation facility designated in the permit;
 - (f) The permittee shall notify the Department prior to the initiation of any sturgeon collection authorized by the special permit;
 - (g) The permittee shall make available to the Department, at permittee's expense, up to 5,000 fingerlings unless the Department requests fewer, from each oversize wild female sturgeon spawned for stocking within the state;



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(h) The permittee shall file monthly reports with the Department, by the 10th of each month, on a form or format acceptable to the Department, which shows the number of wild sturgeon examined, tagged, collected, held, and spawned, as well as other general information about operations conducted under the special permit and fish propagation program.

(3) Permit Limitations; Nontransferability:

(a) The total number of oversize female sturgeon which may be collected from Oregon waters shall be reduced proportionately by any such sturgeon collected in the state of Washington;

(b) The special permit shall be issued only to an individual and is not transferable from said individual to another individual. In the event the individual issued the permit is no longer available to conduct permit activities or carry out responsibilities required by these rules, a new application for a permit shall be submitted to the Department.

(4) Annual Permit Renewal:

(a) The special permit is an annual permit and shall expire on December 31 of each year;

(b) A fee of \$10 is required to be submitted with the application for the special permit;

(c) In order to renew the special permit, the permittee shall submit a written request for renewal, together with a fee of \$10 and a copy of the permittee's annual operations report by January 10 of the next year. The annual operations report shall summarize the monthly reports and show the numbers of fish sold and on hand.

(5) Refusal to Issue or Renew a Special Permit; Revocation and Suspension:

(a) Where the Commission proposes to refuse to issue or renew a special permit or to revoke or suspend a special permit an opportunity for a hearing shall be given, as provided in ORS chapter 183, the Administrative Procedures Act;

(b) The Commission may refuse to issue or renew a special permit or revoke or suspend a special permit where the individual applying for or holding the special permit:

(A) Fails to comply with OAR 635-007-0700 through 635-007-0720 and/or OAR 635-004-0090; or

(B) Has been convicted of any crime relating to the fish and wildlife laws of this state, or any other state or of the United States; or

(C) Has been convicted of any crime involving dishonesty, misrepresentation or fraud under the laws of this state, or any other state or of the United States; or

(D) Has been convicted of any violation of OAR 635-007-0700 through 635-007-0720 and/or OAR 635-004-0090.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 497.325 and 497.330

Hist.: FWC 33-1988, f. & ef. 5-24-88

635-007-0720

Possession of Sturgeon for Spawning and Propagation

(1) General Authorization. The Department will allow:

(a) Holding of male and oversize female sturgeon collected from the wild, until spawned for collection and incubation of eggs (pursuant to the special permit);

(b) Holding of adults raised at the fish propagation facility, or fish obtained through legal sport fishing or commercial activities; and

(c) Subsequent rearing and sale of white sturgeon under a fish propagation license.

(2) Special Requirements:

(a) The Department shall be immediately notified of the death of any adult sturgeon held at the licensed fish propagation facility or killed during any collection operation authorized by a special permit to collect male and oversize female sturgeon;

(b) Possession or sale of dressed or whole sturgeon or roe therefrom at or from a licensed fish propagation facility is prohibited except as provided in OAR 635-004-0090; 635-006-0140; and 635-006-0145;

(c) Notwithstanding subsection (2)(b) of this rule, the Department may, in the event an adult fish dies, direct that it be field dressed, specifically tagged and iced (including the eggs), and held for pickup. In addition, sturgeon less than six (6) inches in length resulting from fish propagation at the facility may be sold live. Sturgeon larger than six (6) inches in length may not be sold without prior written approval of the Department.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 497.325 and 497.330

Hist.: FWC 33-1988, f. & ef. 5-24-88



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Fish Species - Salmon Management

635-007-0820

Salmon Production Programs

(1) Salmon Hatchery Programs proposed for public hatcheries, the Salmon and Trout Enhancement Program (STEP), Cooperative Salmon Hatchery Programs, and for private salmon hatcheries shall be provided for Department staff review and planning prior to commencement of egg collection each year. Such programs shall include at least:

- (a) Rearing location;
- (b) Species;
- (c) Egg source or stock;
- (d) Number to be released;
- (e) Expected size at release;
- (f) Expected time of release;
- (g) Special treatment, marks, handling, etc.;
- (h) Release site or project.

(2) Proposed revisions of accepted salmon hatchery programs due to unforeseen shortages of eggs, changes in facility availability or status, or necessary management adjustments shall be reviewed and approved by Department staff prior to implementation of any proposed revisions.

(3) Transport and release authorization shall be obtained from Department fish culture staff prior to moving fish between facilities or releasing fish. No authorization shall be given if fish do not meet criteria shown in previously approved programs for release size, time, and mark rate, or if disease control regulations are not met.

(4) Summaries of releases, by hatchery and site (including STEP projects) will be prepared by the Department at completion of releases for the year.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.124

Hist.: Adopted 2-21-97, ef. upon filing

635-007-0825

When Salmon Eggs are Surplus

For the purposes of ORS 508.730, the following criteria shall be used in determining when all natural and artificial fish production needs of the state have been met:

(1) General limitations - salmon eggs will not be declared surplus unless and until the capacities of all public hatchery facilities contributing fish for release in Oregon waters, including coastal streams and Columbia River and tributaries, have been filled, and approved rehabilitation and enhancement programs, including Salmon and Trout Enhancement Program and Cooperative Salmon Hatchery Programs, have been provided for. However, the Department recognizes that certain constraints may limit hatchery production to less than full capacity, including available finances, legislative direction, Commission policy, and status of stream/water body management plans. The Department may not be able to locate, determine, or accommodate all areas of need at any one time.

(2) Biological limitations - biological factors which limit numbers of salmon eggs that can be utilized in meeting state needs are:

- (a) Fish carrying capacity of a given stream or water body;
- (b) Probability of disease transfer to naturally produced stocks;
- (c) Maintenance of genetic integrity or compatibility of stocks;
- (d) Impacts of other species of fish.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.124 and 508.730

Hist.: Adopted 2-21-97, ef. upon filing



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635-007-0830

General Priority for Use of Salmon Eggs and Fingerlings

Salmon eggs and fingerlings shall be used or distributed in the following priority order:

- (1) Department Programs including public hatchery production and the Salmon and Trout Enhancement Program (STEP), and Cooperative Salmon Hatchery Programs.
- (2) Federal fish hatcheries in Oregon.
- (3) State and federal fish hatcheries located on the Columbia River outside Oregon.
- (4) Educational use.
- (5) Private salmon hatcheries in Oregon.
- (6) Other state and federal fishery agencies in Alaska, California, and Washington.
- (7) Wildlife Propagation License holders in Oregon.
- (8) State and federal fishery agencies in the remainder of the USA.
- (9) Private salmon hatcheries in the remainder of the USA.
- (10) State and federal fishery agencies in other countries.
- (11) Private hatcheries in other countries.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 506.124 and 508.730

Hist.: Adopted 2-21-97, ef. upon filing

Scientific Taking Permit - Fish

635-007-0900

Permit Required

- (1) Any person must have in possession a valid Scientific Taking Permit issued by the Department in order to take fish from the waters of this state for scientific or educational purposes.
- (2) Except as provided in subsection (3) of this rule, a Scientific Taking Permit issued by the Department to any agency, corporation, association, or other such entity of which one or more members may engage in the taking of fish, will be issued in the name of the entity. It shall be the responsibility of the entity to provide a copy of the permit to each member who intends to take fish and to have the member sign the permit copy on the signature line provided. A copy of a Scientific Taking Permit issued to an entity shall not be considered a valid permit unless signed by the member engaged in the taking of fish.
- (3) Any student desiring to take fish for scientific or educational purposes as part of a program or course of study at an educational institution must obtain a Scientific Taking Permit in the student's own name. Students are not authorized to take fish under Scientific Taking Permits issued to an educational institution or its instructors.
- (4) The Department may refuse to issue any Scientific Taking Permit if it finds:
 - (a) The proposed taking lacks scientific or educational merit or would adversely affect the fish populations of this state; or
 - (b) The applicant violated any term of any license or permit issued by the Department.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 497.298 and 508.111

Hist.: Adopted 3-16-92, ef. 4-1-92

635-007-0910

Permit Application

- (1) Any person or entity wishing to obtain a Scientific Taking Permit must complete and submit to the Department the appropriate permit application form. Applications forms are available upon request from the Oregon Department of Fish and Wildlife.
- (2) The Department may prescribe such terms and conditions in a permit as it may deem necessary to ensure that fish taken pursuant to the permit will be used only for scientific or educational purposes.
- (3) Permits will not be issued to any person or entity for the purpose of collecting fish to sell to scientific or educational supply houses or to any other person or entity.



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Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.298 and 508.111
Hist.: Adopted 4-16-04, f. 4-22-04, ef. 5-1-04

635-007-0920

Report Requirement

Each person or entity issued a Scientific Taking Permit may be required to submit to the Department written reports describing the date(s), specific location(s) and the number of species of fish taken and/or released live under a permit during the permit period.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.298 and 508.111
Hist.: Adopted 3-16-92, ef. 4-1-92

635-007-0930

Transport Authority

A Scientific Taking Permit may specify under what conditions the permittee is authorized to transport live fish, eggs or larvae within the state of Oregon collected under the Scientific Taking Permit. A Scientific Taking Permit with specific transport conditions excuses the permittee from the obligation to obtain a Fish Transport Permit under OAR 635-007-0600.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.252, 497.298, 498.222 and 508.111
Hist.: Adopted 11-16-01, ef. upon filing

635-007-0940

Nongame Fish Protected

Notwithstanding OAR 635-011-0220, the Department may issue a Scientific Taking Permit for studies of any white amur, Warner sucker, Borax Lake chub, Foskett Springs dace, Oregon Tui chub of Hutton Springs, or Lost River and shortnose suckers of Klamath County.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.298 and 508.111
Hist.: Adopted 3-16-92, ef. 4-1-92

635-007-0950

Revocation of Permit

(1) The Commission may revoke a Scientific Taking Permit in accordance with the applicable provisions of ORS 183.310 through 183.500 if the holder of the permit has violated any of the terms or conditions of the permit or any regulation within Chapter 635 of the Oregon Administrative Rules.

(2) Revocation of a Scientific Taking Permit is in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 496.138, 496.146 and 506.119
Stats. Implemented: ORS 497.298 and 508.111
Hist.: Adopted 3-16-92, ef. 4-1-92

Fish Health Management Policy

635-007-0960

Purpose

The purpose of the Fish Health Management Policy is to describe measures that minimize the impact of fish diseases on the state's fish resources. This policy applies to all Department hatchery operations and programs, including Salmon and Trout Enhancement Program (STEP), fish propagation projects (OAR 635-009-0090 through 635-009-0240), Cooperative Salmon Hatchery Programs (OAR 635-009-0400 through 635-009-0455),



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and to all other persons importing, transporting, releasing, or rearing non-aquaria species in this state, including, but not limited to persons operating private fish rearing facilities and research facilities.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508
Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508
Hist.: Adopted 9-12-03, ef. upon filing

635-007-0965

Policy

The Department must restrict the introduction, amplification, and dissemination of disease agents in hatchery-produced fish (hatchery-produced stock or naturally-produced native stock) and in natural environments by controlling egg and fish movements and by prescribing a variety of preventative, therapeutic, and disinfecting strategies to control the spread of disease agents in fish populations of the state. This entails inspecting and detecting disease agents from fish in all hatchery facilities and natural environments. It also entails containing and treating disease agents to minimize impacts on fish populations.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508
Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508
Hist.: Adopted 9-12-03, ef. upon filing

635-007-0970

Fish Disease and Pathogen Categories

(1) "Category I" or "Emergency" fish disease agents are those for which there is no known treatment and that have not been determined to occur in Oregon as of September 1, 2003. Disease agents in this category are the European strain of Viral Hemorrhagic Septicemia (VHS), *Onchorhyncus masou* virus (OMV) and Channel Catfish Virus (CCV). Disease agents may be added to this category as they are identified.

(2) "Category II" or "Certifiable" disease agents can be highly contagious, may cause catastrophic losses and do not have a known cure. Disease agents in this category are the North American strain of Viral Hemorrhagic Septicemia (VHS), Infectious Hematopoietic Necrosis Virus (IHN), Infectious Pancreatic Necrosis Virus (IPN), Infectious Salmon Anemia (ISA), Spring Viremia of Carp (SVC), *Myxobolus cerebralis* (whirling disease), and *Piscirickettsia salmonis*. Disease agents may be added to this category as they are identified in state waters or may be moved to a more or less strict category as disease concerns change.

(3) "Category III" or "Reportable" disease agents may be enzootic in populations or watersheds but are not necessarily of such concern as to prevent all transfer or release of fish. This category includes drug resistant strains of fish disease agents otherwise falling in Category IV. Disease agents in this category are Erythrocytic Inclusion Body Syndrome (EIBS virus), Viral Erythrocytic Necrosis Virus (VEN), sturgeon iridovirus, *Renibacterium salmoninarum* (bacterial kidney disease), *Flavobacterium psychrophilum* (cold water disease), *Aeromonas salmonicida* (furunculosis disease), *Yersinia ruckeri* (enteric red mouth disease), drug resistant strains of bacterial disease agents, *Tetracapsuloides bryosalmonae* (Proliferative Kidney Disease), *Ceratomyxa shasta* (ceratomyxosis), and *Nucleospora salmonis*. Disease agents may be added to this category as they are identified in state waters or may be moved to a more or less strict category as disease concerns change.

(4) "Category IV" or "Historical" disease agents are those associated with a particular area, water body, or facility either in Oregon or in another state or country in which fish are raised or where a disease agent is associated with an intermediate non-fish host. This category also includes Category I through III diseases if previously found at a particular facility but no longer occurring there. Disease agents in this category are flatworms, round worms, tapeworms, ciliated and flagellated parasites, myxosporean (other than *Myxobolus cerebralis*, *Tetracapsuloides bryosalmonae* and *Ceratomyxa shasta*), microsporidian parasites (other than *Nucleospora salmonis*), fungal agents, bacterial agents, transient viral agents, and other classes of infectious agents not previously listed. Disease agents may be added to this category as they are identified in state waters or may be moved to a stricter category as disease concerns change.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508
Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508
Hist.: Adopted 9-12-03, ef. upon filing



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635-007-0975

Import, Export or Transfer of Pathogens and Diseases

(1) The Department may allow a transfer or release fish if the disease agent has not occurred within the past three years of fish rearing, fish are appropriately treated to prevent disease transmission before transfer, or if the disease agent also occurs in the receiving waters.

(2) No person may import, export, or transfer susceptible fish from a site or area where a Category I disease agent has been found until the Department has determined that the site or area is acceptable and has issued a valid Fish Transport Permit pursuant to OAR 635-007-0600. One of the Department's fish health specialists may make the required determination and provide a memorandum to Fish Division.

(3) The Department may authorize a person to import, export, or transfer fish that have or are from a station or area with a recent or continuing history of Category II disease agent by issuing a Fish Transport Permit. The Department must restrict the import, transfer, or release of fish from facilities in which Category II disease agents have been detected within the life cycle of a fish species or that have not been eliminated by effective treatment to only those areas where that disease is already endemic. The Department must restrict the transfer or release of fish that may expand the geographic distribution of disease agents in this category.

(4) The Department must restrict the import, transfer, and release of fish from facilities in which Category III disease agents have been detected within the life cycle of a fish species or that have not been eliminated by effective treatment to only those areas where that disease is already endemic.

(5) Fish from facilities with a history of, but no current occurrence of Category I through III diseases will be treated as if they were in Category IV. The Department may issue a Fish Transport Permit for transfer or release of fish with the presence of disease agents in this category if the disease agent has not occurred within the past three years of fish rearing, the fish are appropriately treated for disease before transfer, or the disease agent occurs in the receiving waters. The Department may deny a Fish Transport Permit to transfer or import fish from facilities where Category III and IV diseases agents have been identified until acceptable treatment or improved history record (three years without disease detection) requirements have been met through appropriate fish health examinations.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Hist.: Adopted 9-12-03, ef. upon filing

635-007-0980

Additional Reference Material for Fish Disease Management

Guidelines for inspection of fish for diseases are found in the Integrated Hatchery Operation Team Policies and Procedures for Columbia Basin Anadromous Salmonid Hatcheries (IHOT 1995), American Fisheries Society Fish Health Blue Book (AFS-FHS Suggested procedures for the detection and identification of certain finfish and shellfish pathogens. 5th ed., 2002, Fish Health Section, American Fisheries Society), the inspection manual of this reference may be found at: <http://fisheries.fws.gov/FHC/handbook.htm>), the Fish Health Protection Regulations Manual of Compliance of Canada, 1984 and the Pacific Northwest Fish Health Protection Committee Model Comprehensive Fish Health Protection Program (September 1989), <http://www.efw.bpa.gov/Environment/EW/EWP/DOCS/REPORTS/HATCHERY/A60629.pdf>

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Hist.: Adopted 9-12-03, ef. upon filing

635-007-0985

Inspection and Detection of Disease Agents at the Department's Facilities

(1) The Facility Manager must ensure that inspections are performed on all fish stocks no more than six weeks before fish are released or transferred to other locations in the state and on any fish to be imported into the state. The Department's Fish Health Services must maintain a database of fish health examination results.

(2) The Facility Manager must complete a Fish Liberation Report for the import, export, or transfer of live fish or eggs in Oregon before moving any fish or eggs.

(3) The Facility Manager must ensure regular monitoring of all fish by a Department fish health specialist. Appropriate fish tissues must be screened for the presence of parasitic and bacterial agents and viral



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examinations of appropriate organs and lesions of moribund or dead fish depending on disease signs on affected fish.

(4) Examinations for *Myxobolus cerebralis*, agent of whirling disease, must be conducted annually on 60 salmonid fish held for a minimum of 180 days at each facility. In cases where multiple water supplies exist, fish reared in each supply must be sampled.

(5) The Facility Manager must direct the treatment or destruction of fish infected with any disease agent, whether listed in these rules or not, that may adversely affect the health of the fish of this state. The Department's Fish Division will determine whether the affected fish must be destroyed.

(6) If fish loss exceeds 0.1 percent per day over five consecutive days in any rearing or incubation container, then the Facility Manager must:

(a) Have an examination promptly performed on live and dead fish from each pond of concern by a Department fish health specialist and, if the fish health specialist determines it is necessary, from the entire facility.

(b) Notify in writing by E-mail, fax, or equivalent means the Department's Regional Office and Fish Division of the location, extent, and probable cause of such losses and provide written documentation of a planned Department-approved treatment regimen to control the fish disease agent.

(c) Fish Health Services must maintain a copy of the disease examination record after completing appropriate tests.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Hist.: Adopted 9-12-03, ef. upon filing

635-007-0990

Inspection and Detection of Disease Agents at Non-Department Facilities

(1) No person may import, export, release, or transfer live fish or fish eggs in Oregon without a Fish Transport Permit issued pursuant to OAR 635-007-0600.

(2) Except as provided in section (3) of this rule, any group of live fish or eggs found to have been imported into or transferred within Oregon without a Fish Transport Permit is subject to seizure and destruction by the Department.

(3) The Department, in its discretion, may direct the Facility Manager to undertake immediate steps to obtain proper, up-to-date fish health examinations from the original source of fish or eggs, and to have fish inspected for fish disease agents by a fish health specialist acceptable to the Department. Such fish or eggs must not be released or moved to any other facility until the owner has obtained a completed disease examination report from the fish health specialist. The Facility Manager is responsible for the costs of the inspection required by this rule.

(4) Except for fish reared for release under a private salmon hatchery permit pursuant to ORS 508.700, before importing any fish the Facility Manager must obtain an annual health examination of broodstock from which fish are to be imported and a copy of relevant fish health examinations of the lot of fish to be imported. If a facility has not previously exported fish to Oregon, the Facility Manager must also obtain a five-year fish-health history of stocks held at the facility and a description of the water supply source. Examinations for IHNV, IPNV, and VHSV must be conducted for salmonid broodstock. An examination for *Myxobolus cerebralis*, as described in section (5) of this rule, must also be conducted on salmonid fish. Depending on the fish species, examinations for culturable viruses and specific bacterial and parasitic agents must be conducted for non-salmonid broodstock. The above-listed examinations must be performed by a fish health specialist acceptable to the Department. However, the Department may issue a Fish Transport Permit to import live fish into this state without the examination report if the Department finds:

(a) The fish eggs or larvae would mature to a stage at which they cannot be safely transported before a disease examination could take place or results are complete; and

(b) The fish or eggs are held in a facility approved by the Department until the permit holder can obtain a completed disease examination report.

(5) Examinations for *Myxobolus cerebralis*, agent of whirling disease, must be conducted annually on 60 fish held for a minimum of 180 days at each facility. In cases where multiple water supplies exist, fish reared in each supply must be sampled.

(6) Fish Health Services must maintain a database of fish health examination results.

(7) Any fish found to be infected with a disease agent that the Department determines may adversely affect the health of the fish of this state must be treated or destroyed at the Facility Manager's expense as directed by the Department or may be sold for human consumption, if appropriate.



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- (8) If fish loss exceeds 0.1 percent per day over five consecutive days in any rearing or incubation container, the Facility Manager, Facility Permittee, or Fish Propagation Licensee must:
- (a) Have an examination promptly performed on live and dead fish from each pond of concern by a fish health specialist acceptable to the Department and, if required by the Department, from the entire facility.
 - (b) Notify in writing by E-mail, fax, or equivalent means the Department's Fish Division at its Headquarters and Fish Health Services laboratories in Corvallis, Clackamas and La Grande of the location, extent, and probable cause of such losses and provide written documentation of a treatment regimen planned to control the fish disease; and
 - (c) Provide Fish Health Services a copy of the disease examination record within seven business days after completion of appropriate tests.
- (9) Failure to comply with these rules is grounds for the revocation of any Fish Propagation License, Cooperative Salmon Hatchery Agreement, or Fish Transport Permit.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Hist.: Adopted 9-12-03, ef. upon filing

635-007-0995

Containment and Treatment of Fish Disease Agents

- (1) The Department may approve the transfer or release of fish or issue a Fish Transport Permit with special conditions, depending on the disease history of the shipping station or watershed, the current disease inspection report, or the susceptibility of fish to disease agents endemic in the watershed to which the fish would be shipped.
- (2) The Oregon exporter and importer (recipient) are responsible for getting the required permits and complying with all regulations concerning transporting fish within Oregon and importing fish to Oregon from any other state, province, or country.
- (3) The annual examination (station check) of salmonids sampled at a particular hatchery for *M. cerebralis* must meet Oregon's requirements for *M. cerebralis* import or transfer of fish from that facility to or within Oregon.
- (4) If the Department determines that live fish have a disease agent that may affect fish in Oregon, the fish may not be transported from one watershed to another within this state or exported from this state without the Department's written consent. The Department may restrict or prohibit a person from transporting infected fish or fish suspected of being infected to or from certain watersheds or areas within watersheds of the state.
- (5) The Department may authorize a person to transfer salmonids from any waters of the state or other states without a health inspection to a facility approved by the Department for scientific study pursuant to the objectives of projects acceptable to the Department.
- (6) Fish at all Department facilities must be treated so as to reduce the amplification of disease agents. Protocols listed in sub-paragraphs (a)-(c) are required for all Department facilities and are recommended for privately operated fish facilities to minimize the amplification of disease agents within their facilities.
- (a) When fish disease agents are detected, preventative and therapeutic strategies must be implemented to reduce the impact of such disease agents on both hatchery-reared and naturally-reared native fish populations.
 - (b) Sanitation protocols:
 - (A) Eggs must be disinfected or water-hardened in buffered iodophor. Eggs must be disinfected after collection and, if transferred to a new facility, they must also be disinfected upon arrival. Imported eggs and their shipping containers must be disinfected at the approved destination using methods acceptable to the Department's fish health specialists. (A list of acceptable disinfecting agents and methods is available from the Department).
 - (B) Disinfection footbaths or other means of disinfection must be provided at the incubation facility's entrance and exit areas for sanitizing footwear, raingear, and equipment while embryos are incubating in the facility.
 - (C) Equipment and rain gear used in broodstock handling or spawning must be sanitized after leaving the adult area and before being used in other rearing units or the hatch-house building.
 - (D) Equipment used to collect dead fish must be sanitized before being used in another pond, or equipment must be designated for each specific pond.
 - (E) Dead fish must be disposed of promptly and in a manner that will prevent the introduction of disease agents to waters of the State.
 - (F) Rearing units must be cleaned on a regular basis by vacuuming, brushing, or flushing. All equipment used for this purpose must be disinfected before being moved to a different pond.



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(G) Equipment used to transfer eggs or fish among facilities, including fish liberation tankers, must be sanitized before being used with any other fish lot or at any other location. Disinfecting and disinfected water must be disposed of in an approved manner.

(H) Rearing units must be sanitized after removing fish and before introducing a new fish stock either by thoroughly cleaning the unit and using a disinfectant or by cleaning it and leaving it to dry for a minimum of three days.

(I) Use of pathogen-free water is preferable, especially for egg incubation and early fish rearing.

(c) Preventative and therapeutic fish health strategies must be implemented at all facilities in consultation with the Department's personnel to avoid or reduce disease agents and fish losses. Fish health strategies may include the following:

(A) Modifying hatchery practices such as water temperature, feeding or cleaning regimes, egg culling operations, isolating containers of infected fish, and using a different water supply;

(B) Changing release strategies, if approved by the Department's Fish Division;

(C) Destroying fish if the disease agent is untreatable and an epizootic event is likely, or where an exotic or non-endemic disease agent is detected, if approved by Fish Division;

(D) Increasing water releases from reservoirs when possible to increase flows and reduce water temperature.

(E) Treating fish with federally approved chemicals or drugs from one of the following categories:

(i) FDA-labeled and approved for use on food fish;

(ii) Allowed by the FDA as an Investigational New Animal Drug;

(iii) Obtained by extra-label prescriptions from veterinarians;

(iv) Allowed by the FDA as low regulatory priority or deferred regulatory status;

(v) Chemicals not allowed on food fish but approved by the FDA through the US Fish and Wildlife Service for fish listed under the federal Endangered Species Act.

(6) In order to continue improving the Department's expertise in fish health, the Department must develop and maintain partnerships with fish health specialists from other state and federal agencies, universities, and management partners.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Hist.: Adopted 9-12-03, ef. upon filing

635-007-1000

Carcasses for Stream Enrichment

(1) Before approving the use of fish carcasses or fish components for stream enrichment programs, the Fish Division must determine that the use is consistent with the Department of Environmental Quality's requirements.

(2) The Department must review the disease history of the hatchery and particular fish stock, current fish health testing results, geographic location and history of fish disease, and presence of disease agents in the receiving stream and watershed as a whole in order to minimize the risk of introducing or disseminating disease agents into the receiving waters.

(3) Only fish that are killed as excess brood or that survive to spawn may be used for carcass distribution.

(4) Carcasses must be placed in the originating river basin or where identified in hatchery program management plans or other operational or conservation plans.

(5) The Fish Division may stop carcass distribution if pathogen levels increase in spawned adult fish during the spawning period.

Stat. Auth.: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Stats. Implemented: ORS 496, ORS 497, ORS 498, ORS 506 and ORS 508

Hist.: Adopted 9-12-03, ef. upon filing