

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

**FILED**  
6-10-14 11:58 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 06/06/2014 by the

Department of Fish and Wildlife	635
Agency and Division	Administrative Rules Chapter Number
Therese Kucera	(503) 947-6033
Rules Coordinator	Telephone
4034 Fairview Industrial Dr. SE, Salem, OR 97302	
Address	

To become effective Upon filing. Rulemaking Notice was published in the May 2014 Oregon Bulletin.

**RULE CAPTION**

Amend rules related to the Coastal Multi-Species Conservation and Management Plan

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

635-500-6775

**AMEND:**

635-500-0200, 635-500-0385, 635-500-0500, 635-500-0600, 635-500-4010, 635-500-4310, 635-500-4510, 635-500-4810, 635-500-5010, 635-500-5210

**REPEAL:**

635-500-0130, 635-500-0135, 635-500-0140, 635-500-0145, 635-500-0150, 635-500-0175, 635-500-0390, 635-500-0400, 635-500-0405, 635-500-0415, 635-500-0420, 635-500-0425, 635-500-0505, 635-500-0515, 635-500-0520, 635-500-0605, 635-500-0610, 635-500-0620, 635-500-0625, 635-500-0630, 635-500-4030, 635-500-4040, 635-500-4060, 635-500-4070, 635-500-4330, 635-500-4340, 635-500-4350, 635-500-4370, 635-500-4380, 635-500-4530, 635-500-4540, 635-500-4550, 635-500-4560, 635-500-4580, 635-500-4590, 635-500-4600, 635-500-4830, 635-500-4840, 635-500-4850, 635-500-4860, 635-500-4880, 635-500-4890, 635-500-5030, 635-500-5040, 635-500-5050, 635-500-5070, 635-500-5080, 635-500-5230, 635-500-5240, 635-500-5250, 635-500-5270, 635-500-5280, 635-500-5290, 635-500-5400

**RENUMBER:**

**AMEND AND RENUMBER:**

**Statutory Authority:**

ORS 496.138, 496.146, 496.162, 506.036, 506.119, 506.129

**Other Authority:**

**Statutes Implemented:**

ORS 496.162, 506.109, 506.129

**RULE SUMMARY**

These adopted, amended and repealed rules are relating to implementation of the Coastal Multi-Species Conservation and Management Plan as determined necessary by the Oregon Fish and Wildlife Commission. Housekeeping and technical corrections to regulations relating to hatcheries and harvest opportunities; predators; regulatory programs; water quality; and adaptive management were performed as determined necessary to ensure rule consistency.

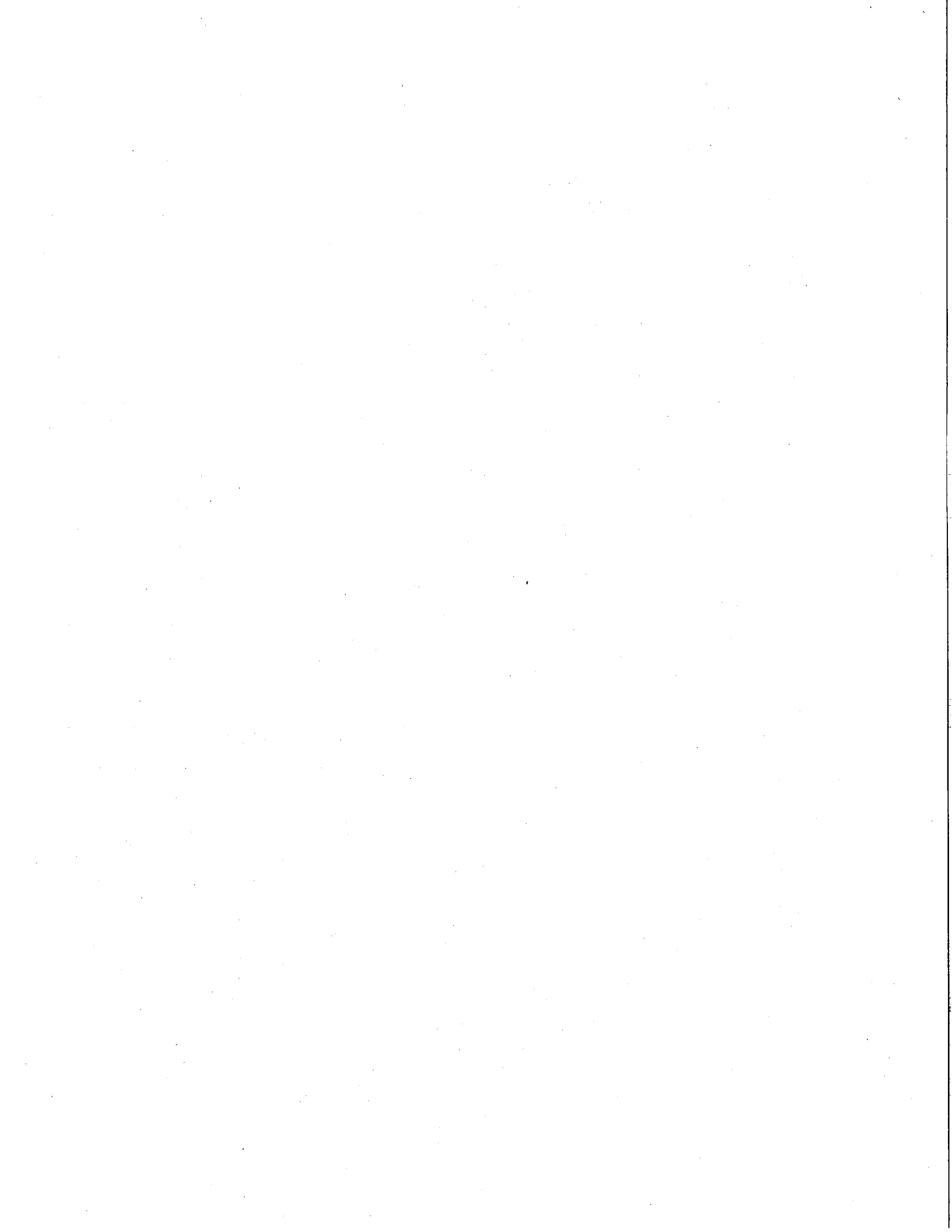
Therese Kucera

Teri.Kucera@state.or.us

Rules Coordinator Name

Email Address

DFW 60-2014



**Authorization Page**  
Generated on June 10, 2014 9:41AM  
**PERMANENT ADMINISTRATIVE RULES**

Department of Fish and Wildlife	635
Agency and Division	Administrative Rules Chapter Number
Therese Kucera	Teri.Kucera@state.or.us
Rules Coordinator	Email Address
4034 Fairview Industrial Dr. SE, Salem, OR 97302	503-947-6033
Address	Telephone
06/06/2014	
Adopted on	
Upon filing.	
Effective date	

**RULE CAPTION**

Amend rules related to the Coastal Multi-Species Conservation and Management Plan  
Not more than 15 words

**RULEMAKING ACTION**

**ADOPT:** 635-500-6775

**AMEND:**

635-500-0200, 635-500-0385, 635-500-0500, 635-500-0600, 635-500-4010, 635-500-4310, 635-500-4510, 635-500-4810, 635-500-5010, 635-500-5210

**REPEAL:**

635-500-0130, 635-500-0135, 635-500-0140, 635-500-0145, 635-500-0150, 635-500-0175, 635-500-0390, 635-500-0400, 635-500-0405, 635-500-0415, 635-500-0420, 635-500-0425, 635-500-0505, 635-500-0515, 635-500-0520, 635-500-0605, 635-500-0610, 635-500-0620, 635-500-0625, 635-500-0630, 635-500-4030, 635-500-4040, 635-500-4060, 635-500-4070, 635-500-4330, 635-500-4340, 635-500-4350, 635-500-4370, 635-500-4380, 635-500-4530, 635-500-4540, 635-500-4550, 635-500-4560, 635-500-4580, 635-500-4590, 635-500-4600, 635-500-4830, 635-500-4840, 635-500-4850, 635-500-4860, 635-500-4880, 635-500-4890, 635-500-5030, 635-500-5040, 635-500-5050, 635-500-5070, 635-500-5080, 635-500-5230, 635-500-5240, 635-500-5250, 635-500-5270, 635-500-5280, 635-500-5290, 635-500-5400

**RENUMBER:**

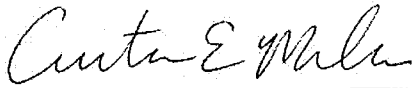
**AMEND & RENUMBER:**

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.036, 506.119, 506.129

**Other Auth.:**

### RULE SUMMARY

These adopted, amended and repealed rules are relating to implementation of the Coastal Multi-Species Conservation and Management Plan as determined necessary by the Oregon Fish and Wildlife Commission. Housekeeping and technical corrections to regulations relating to hatcheries and harvest opportunities; predators; regulatory programs; water quality; and adaptive management were performed as determined necessary to ensure rule consistency.



Curtis E. Melcher

6/10/14

---

Authorized Signer

Printed Name

Date

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.



## Oregon Administrative Rules Oregon Department of Fish and Wildlife

**635-500-6775**

### **Implementing the Coastal Multi-Species Conservation and Management Plan**

#### **(1) Policy.**

The Coastal Multi-Species Conservation and Management Plan (CMP) (State of Oregon 2014, available at the Department's Salem office or [www.dfw.state.or.us](http://www.dfw.state.or.us)) implements the State's strategy for protecting, enhancing and utilizing Oregon populations of Chinook salmon, spring Chinook salmon, chum salmon, winter steelhead, summer steelhead, and coastal cutthroat trout along the Oregon coast from Elk River near Cape Blanco to the Necanicum River near Seaside. The CMP is based on the premise that the Oregon Plan for Salmon and Watersheds provides the best vehicle for securing partnerships, both private and governmental, to successfully implement the actions called for in this plan. This rule describes the Commission's contribution toward this collective effort and directs the Department's implementation of the CMP. This rule describes the Department's role in implementing the CMP consistent with the Department's statutory authorities and the Native Fish Conservation Policy (OAR 635-007-0502 thru 635-007-0505). The rule is not intended to be a rigid recipe but rather to identify the range of opportunities the Department should pursue and how the effectiveness of those opportunities should be evaluated, following the template first established in the Native Fish Conservation Policy.

#### **(2) Description of Species Management Units (SMUs) and Populations.**

The SMUs for Oregon Coastal salmon, steelhead, and trout which are addressed in the CMP are comprised of geographical strata and independent populations, as listed in Table 2 of the CMP.

#### **(3) Desired Status.**

The first desired status goal for Oregon Coastal salmon, steelhead and trout SMUs is to assure that all populations that are currently viable remain so, and that those not viable become so. The second goal is that eventual improvements in salmon, steelhead and trout survival from management actions provide for all populations to be highly viable and productive enough that they can provide greater ecological and fisheries benefits than are currently being provided. The desired status goals for the SMUs shall be achieved when:

(a) For the first desired status goal, viable populations identified in Table A-II: 11 of the CMP maintain the current level of metrics and scores identified in this table and populations that are not viable in this table (excluding Netarts chum, which may not be an independent population) have metrics and scores indicating they are viable, and

(b) For the second desired status goal, all independent Oregon Coastal salmon, steelhead and trout populations pass all of the measurable criteria for highly viable status. Measurable criteria for the second desired status of Oregon Coastal salmon, steelhead and trout SMUs are defined in Table A-III: 1 of the CMP for the following primary biological attributes:

(A) Abundance (adult fish abundance for constituent populations);

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

(C) Persistence (forecast likelihood of SMU persistence in the near and long terms);

(D) Spatial structure (distribution of populations within unit and population connectivity); and

(E) Diversity (within and among population diversity);

(c) While criteria for survival rate to each critical life history stage cannot yet be developed with the available information and monitoring, staff shall establish such criteria for these biological attributes when adequate information and monitoring are available.

#### **(4) Current Status.**

The current status of each Oregon Coastal salmon, steelhead and trout SMU at the time of the adoption of this rule is described in the CMP. The Overall Status Assessment Approach section of the Current Status chapter and Table A-II: 11 of the CMP summarize the biological attributes, criteria and metrics used to assess the status of each SMU. Those biological attributes, criteria, and metrics are adopted by reference into this rule.

#### **(5) Primary Limiting Factors.**

(a) Numerous factors contribute to the gap between current and desired status of populations comprising the Oregon Coastal salmon, steelhead and trout SMUs. Marine survival of salmon, steelhead and trout associated with ocean conditions is the largest single factor regulating salmon, steelhead and trout productivity and abundance at the SMU scale. Although ocean conditions are not manageable at the scale of this plan and are thus not considered a primary limiting factor, attention to other limiting factors will be heightened during periods of poor ocean conditions.

(b) The limiting factors generally causing the gap between current and desired status for the Oregon Coastal salmon, steelhead and trout SMUs that can be managed are broadly defined as:

(A) Hatchery interactions;

(B) Fishing and harvest impacts;

(C) Interactions with other species (including predators); and

(D) Habitat loss or degradation.

(c) Primary and secondary limiting factors are identified for each population within each SMU in Table 11 of the Desired Status and Limiting Factors chapter of the CMP. Staff will continue to help revise and identify new management actions addressing these factors to aid in reaching desired status. Staff may analyze the limiting factors at a finer, more localized



## Oregon Administrative Rules Oregon Department of Fish and Wildlife

scale when selecting or prioritizing management actions for specific areas within populations. These analyses may find primary and secondary factors different at a local scale than what was found at the SMU or population scale.

### (6) Management Strategies.

Management strategies to address limiting factors for each population are identified in the Management Strategies and Actions chapter of the CMP. Staff shall consider and attempt to implement these management strategies designed for the SMUs as a whole, and for constituent populations as applicable, as mechanisms to reach the desired status. Short-term (1 to 5 years) and long-term (1 to 25 years) strategies include:

- (a) Manage hatchery programs to provide optimal harvest opportunities while being consistent with Desired Status targets for wild populations identified in the CMP.
- (b) Manage for wild fish emphasis or hatchery fish programs in the appropriate Management Areas as outlined in Figure 13 of the CMP and obtain Commission approval for starting new or eliminating existing hatchery programs in a management area relative to those in Table 13 and Table 14 of the CMP (excluding educational and research programs).
- (c) Manage recreational and commercial fisheries to provide harvest and angling opportunities consistent with conservation of naturally produced salmon steelhead and trout, and achievement of desired status goals for each SMU.
- (d) Quantify impacts of predation on wild and hatchery salmon, steelhead and trout; and develop and support programs to reduce predation.
- (e) Prohibit the introduction of non-native fin fish species into flowing waters and develop and support programs designed to decrease illegal introductions of non-native species.
- (f) Work with habitat restoration implementers to complete or update watershed assessments (as necessary), prioritize watersheds for restoration, and implement watershed-scale restoration work to restore natural processes.
- (g) Work with habitat restoration implementers to increase restoration activities in lower mainstem rivers and estuaries.
- (h) Protect all habitat areas where chum salmon are currently known to spawn, and prioritize habitat rehabilitation and barrier removal work that expands the habitat base for chum.
- (i) Actively pursue and promote habitat protection and restoration necessary to achieve the goals and management strategies for aquatic resources within the CMP area by means of the tactics identified in Table 21 of the CMP.
- (j) Coordinate with and advise other agencies, tribes, landowners, water users, watershed councils, and others to implement habitat protection and restoration activities, with an emphasis on habitat protection and a focus on priority projects (as opposed to non-priority and opportunistic projects).
- (k) Consistent with the Habitat Mitigation Policy (OAR 635-415-0000) and natural ecosystem processes, work to prevent or reduce potential losses of fish production from land and water use actions and habitat alteration to the extent possible, encourage utilization of Best Management Practices for habitat protection when conducting land and water use projects, and promote greater coordination among government partners to facilitate protective measures against emerging threats such as placer mining, climate change, and invasive species.
- (l) Consider and demonstrate preference for alternatives which address both natural hazard damage mitigation and restoration of natural disturbance regimes and habitat function when implementing and making recommendations about natural hazard mitigation actions that address hazards such as flooding or fire.

### (7) Adaptive Management.

The Department shall employ adaptive management principles within its statutory authority in support of optimizing fisheries and achieving the desired status goals for the SMUs. The Department's adaptive management of the SMUs will include five elements: research; monitoring; evaluation; a feedback loop; and reporting.

(a) *Research.* The Department shall support high priority research that addresses uncertainties related to SMU or population status and management strategies and actions needed to optimize fisheries and achieve desired status. Future research needs shall be identified during periodic assessments of the effectiveness of the CMP and with the development and update of research plans for the Department and Oregon Hatchery Research Center.

(b) *Monitoring.* The Department shall continue to identify, implement, and support monitoring needed to assess the status of each Oregon Coastal salmon, steelhead and trout SMU, strata, or populations relative to desired status criteria, evaluate habitat status trends, and understand fishery characteristics as funding and staffing allow.

(c) *Evaluation.* The Department shall identify and support evaluation needed to apply research and monitoring results to modify monitoring and management, re-assess status, and determine the effectiveness of management strategies and actions in achieving their intended outcomes.

(d) *Feedback Loop.* The Department shall review the results of reports and assessments identified in 635-500-6775(7)(e) and modify management strategies and actions as appropriate and within its statutory authority based on the review results. The Department shall implement the Adaptive Management processes and recommend to other agencies or entities, as necessary, appropriate modifications to management strategies and actions needed to optimize fisheries and support attainment of the desired status goals for each SMU. This feedback shall include refinement of management actions, research, monitoring and evaluation programs and desired status criteria based on the best available scientific information.

(A) The Department shall propose modifications to the CMP if any Oregon Coastal salmon, steelhead, or trout addressed in



## Oregon Administrative Rules Oregon Department of Fish and Wildlife

the CMP become listed under the federal ESA or if a status assessment determines an SMU has become non-viable.

(B) Deterioration in ESU status based on critical abundance thresholds and criteria identified in Table A-III:2 (with notes) of the CMP will also trigger management action re-evaluation, as well as possible additional management actions and CMP modification.

(C) Annual reports described in 635-500-6775(7)(e) will serve as an early warning system that will direct additional monitoring, evaluation, or management actions, if needed, based on annual review of monitoring data.

(e) *Reporting*: Annual and periodic evaluations of CMP implementation and SMU status shall be made available to the public. The Department shall prepare annual reports and conduct a 12 year (through 2026) status assessment of SMUs and populations. Additional assessments will be conducted as necessitated by new information or significant population declines.

(8) *Impact on Other Native Fish Species*.

Management strategies identified in the CMP are likely to be beneficial to other native fish species present in the SMUs because they focus on restoring natural processes. New or modified actions shall consider impacts to other native species, as appropriate, to minimize harm and optimize benefits.

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: ORS 506.109, 506.129

### 635-500-0200

#### Management Objectives for North Umpqua River Below Soda Springs Dam

The Department of Fish and Wildlife will emphasize summer and winter steelhead and spring chinook in the North Umpqua River below Soda Springs Dam. Coho shall be managed for the production of naturally produced coho with an option for a hatchery program consistent with provisions in OAR 635-500-6500 (Oregon Coast Coho Conservation Plan for the State of Oregon). Fall Chinook will be emphasized in other areas where better habitat exists. The Department shall proceed with programs and other efforts to achieve the following objectives, consistent with state law, agency policy and rule, and recognizing funding priorities for the agency. The following objectives will govern management of salmonid populations in the North Umpqua River basin below Soda Springs Dam.

(1) All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this area are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

(2) Coho:

(a) Recover the naturally produced coho population in the North Umpqua River Basin consistent with the six measurable criteria for desired status contained in OAR 635-500-6500 (Oregon Coast Coho Conservation Plan for the State of Oregon).

(b) Recover Umpqua River Basin naturally produced coho salmon sufficiently to prevent restrictions on fisheries targeting other species or fin clipped hatchery coho, and sufficiently to provide for future harvest in the North Umpqua Basin consistent with OAR 635-500-6500 (Oregon Coast Coho Conservation Plan for the State of Oregon).

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: ORS 506.109, 506.129

### 635-500-0385

#### Organization of Rules

Administrative rules for the Coos River basin contained in OAR 635-500-0385 through 635-500-0480 apply to all waters of the Coos River basin. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: ORS 506.109, 506.129

### 635-500-0500

#### Organization of Rules

Administrative rules for the Tenmile Lakes basin contained in OAR 635-500-0500 through 635-500-0565 apply to all waters of the Tenmile Lakes basin. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: ORS 506.109, 506.129

### 635-500-0600

#### Organization of Rules

Administrative rules for the Yaquina River basin contained in OAR 635-500-0600 through 635-500-0685 apply to all waters of the Yaquina River basin. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).



## Oregon Administrative Rules Oregon Department of Fish and Wildlife

---

Stat. Auth.: ORS 496.138, 496.146, 506.119  
Stats. Implemented: ORS 506.109, 506.129

### **635-500-4010**

#### **Organization of Rules**

Administrative rules for the mid-coast small ocean tributary streams are contained in OAR 635-500-4020 through 635-500-4100. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in these streams are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119  
Stats. Implemented: ORS 506.109, 506.129

### **635-500-4310**

#### **Organization of Rules**

Administrative rules for the Salmon River Basin fish management plan are contained in OAR 635-500-4320 through 635-500-4410. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119  
Stats. Implemented: ORS 506.109, 506.129

### **635-500-4510**

#### **Organization of Rules**

Administrative rules for the Siletz River Basin fish management plan are contained in OAR 635-500-4520 through 635-500-4640. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119  
Stats. Implemented: ORS 506.109, 506.129

### **635-500-4810**

#### **Organization of Rules**

Administrative rules for the Alsea River Basin fish management plan are contained in OAR 635-500-4820 through 635-500-4930. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119  
Stats. Implemented: ORS 506.109, 506.129

### **635-500-5010**

#### **Organization of Rules**

Administrative rules for the Yachats River Basin fish management plan are contained in OAR 635-500-5020 through 635-500-5110. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119  
Stats. Implemented: ORS 506.109, 506.129

### **635-500-5210**

#### **Organization of Rules**

Administrative rules for the Siuslaw River Basin fish management plan are contained in OAR 635-500-5220 through 635-500-5340. All issues related to management of salmon (except coho), steelhead, and cutthroat trout in this basin are addressed in the Coastal Multi-Species Conservation and Management Plan (635-500-6775).

Stat. Auth.: ORS 496.138, 496.146, 506.119  
Stats. Implemented: ORS 506.109, 506.129