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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
DFW 96-2025
CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
10/03/2025 9:35 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Modify Mainstem Columbia River Fall-Season Seine and Pound Net Commercial Fisheries

EFFECTIVE DATE: 10/06/2025 THROUGH 10/31/2025

AGENCY APPROVED DATE: 10/03/2025

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Filed By:
Linda Spansel
Rules Coordinator

NEED FOR THE RULE(S):

The rule is needed to modify the schedule for the on-going fall 2025 mainstem Columbia River commercial pound net and seine fisheries. In season monitoring indicates this fishery is within allowable harvest levels.

JUSTIFICATION OF TEMPORARY FILING:

There is insufficient time to initiate the permanent rulemaking process to open the commercial fishing periods by the specified date and time.

Fisheries are managed to provide treaty, recreational, and commercial fishing opportunities while meeting species- or stock-specific allocations and remaining within ESA guidelines.

Failure to open these fisheries would deny commercial fishers the opportunity to harvest then sell their share of this valuable resource in Oregon.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. OREGON AND WASHINGTON DEPARTMENTS OF FISH AND WILDLIFE; JOINT STAFF REPORT - FALL FACT SHEET NO. 6b; Columbia River Compact/Joint State Hearing; dated October 1, 2025.
2. Columbia River Fishery Notice; dated October 1, 2025.
3. Oregon Department of Fish and Wildlife (ODFW)/Washington Department of Fish and Wildlife (WDFW) 2025 Non-Treaty Columbia River Summer/Fall Fishery Plan; dated May 23, 2025

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Linda Spansel at 503-947-6233 or linda.d.spansel@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

AMEND: 635-042-0031

SUSPEND: Temporary 635-042-0031 from DFW 65-2025

RULE TITLE: Early Fall Salmon Season

RULE SUMMARY: This rule adds several periods in October to the on-going 2025 fall-season Columbia River mainstem pound net and seine fisheries.

Modifications are consistent with actions taken by the Departments of Fish and Wildlife for the States of Oregon and Washington at a Columbia River Compact hearing on October 1.

RULE TEXT:

The early fall commercial salmon season in the Columbia River downstream of Bonneville Dam is assessed annually based on stock status and allocation policies. Harvest opportunity and gear regulations will be established by in-season modification.

(1) Salmon (except chum) and shad may be taken for commercial purposes in Zones 4 and 5, with the following exceptions:

(a) The deadline at the lower end of Zone 4 is defined as a straight line projected from the Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington shore.

(b) Sanctuaries include the Washougal and Sandy river-mouth sanctuaries as described in 635-042-0005.

(c) The fishery is open as follows:

(A) 9:00 p.m. August 6 through 6:00 a.m. August 7;

(B) 9:00 p.m. August 10 through 6:00 a.m. August 11;

(C) 9:00 p.m. August 12 through 6:00 a.m. August 13;

(D) 9:00 p.m. August 14 through 6:00 a.m. August 15;

(E) 9:00 p.m. August 17 through 6:00 a.m. August 18;

(F) 9:00 p.m. August 19 through 6:00 a.m. August 20;

(G) 9:00 p.m. August 21 through 6:00 a.m. August 22;

(H) 9:00 p.m. August 24 through 6:00 a.m. August 25;

(I) 9:00 p.m. August 26 through 6:00 a.m. August 27; and

(J) 9:00 p.m. August 28 through 6:00 a.m. August 29.

(d) Gear is restricted as follows:

(A) Only drift gillnets with a 9-inch minimum mesh size are allowed; and

(B) Nets not authorized for this fishery may not be onboard.

(2) Adipose fin-clipped Chinook salmon, adipose fin-clipped coho salmon, sockeye salmon, pink salmon, and shad may be taken for commercial purposes in the mainstem Columbia River in Zones 1-3 with seine gear by those individuals possessing the proper licenses or permits issued by Oregon or Washington authorizing participation in the 2025 Emerging Commercial Fishery established through WAC 220-360-500. The required licenses and/or permits are an Emerging Fishery license and Experimental Fishery Permit issued by Washington or an Experimental Gear Permit issued by Oregon.

(a) The fishery is open:

(A) From 7:00 a.m. to 7:00 p.m. on weekdays from August 4 through August 15;

(B) From 7:00 a.m. to 7:00 p.m. on weekdays from September 2 through September 12;

(C) From 7:00 a.m. to 7:00 p.m. on the following days: September 16, September 18, September 22, September 24, September 26, September 30, and October 2; and

(D) From 7:00 a.m. to 7:00 p.m. on weekdays from October 6 through October 24.

(E) Notwithstanding the open hours shown in (2)(a)(A)-(D), active fishing may only occur for eight consecutive hours within each 12-hour period.

(b) Sanctuaries: Elokomin-B, Cowlitz, Kalama-B, and Lewis-B river-mouth sanctuaries as described in 635-042-0005 and Select Area commercial fishing sites.

(c) Gear:

- (A) Beach or purse seine gear is allowed. Only one net is allowed per primary vessel.
- (B) Mesh size restricted to a 3.5-inch maximum (inside of knot to outside of knot using hand tension stretched measure).
- (C) Net material to consist of 3-strand nylon; twine size greater than or equal to #12.
- (D) Seines may include a bunt of 1.0-2.0 inch knotless mesh.
- (E) Net length not to exceed 200 fathoms (not including associated lead nets) and depth not to exceed 200 meshes (approximately 50 feet).
- (F) No restrictions on corkline, leadline or use of stringers and slackers.
- (G) A chafing strip panel consisting of non-monofilament webbing (such as nylon seine web or polyethylene trawl web) is allowed on bottom of net; maximum panel depth is five feet. Chafing mesh not to exceed 3.5-inch stretched measure for beach seines and 5-inch stretched measure for purse seines. There are no restrictions associated with hangings used to connect the net to the chafing panel or the net or chafing panel to the leadline or corkline.
- (H) Red corks are required at 25-fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.
- (I) The use of one optional lead net is allowed per fishing operation. Lead nets may not exceed 100 fathoms in length or be vertically slackened. Seine and lead lines may not be connected. Lead nets must be retrieved daily. Lead nets may be constructed in either of the following configurations:
 - (i) 3.5-inch maximum mesh size webbing constructed with 3-strand nylon twine greater than or equal to #12; or
 - (ii) 14-inch minimum mesh size webbing constructed with nylon or cotton twine.
- (d) Allowable sales are subject to Individual Fishing Quotas (as defined in the 2025 Experimental Fishery or Experimental Gear permits referenced in (2)). Retained Chinook and coho salmon must have a healed scar at the location of the clipped adipose fin. All legal adult Chinook and legal adult coho salmon caught must be kept and sold. Adult Chinook salmon are equal to or greater than 24-inches in total length. Adult coho salmon are equal to or greater than 20-inches in total length.
- (e) Hand sorting or use of a knotless dip net is required for sorting. All fish must be sorted and/or released prior to removing entire seine from the water. Dry sorting is not permitted.
- (f) Sort time is not to exceed 75 minutes:
 - (A) For beach seines, sort time is defined as the elapsed time from when the outer towed end of the net first contacts the shore or block until the net is emptied of fish.
 - (B) For purse seines, sort time is defined as the elapsed time from when all rings are pursed and out of the water until the net is emptied of fish.
- (g) As a condition of fishing, an Oregon or Washington Department of Fish and Wildlife observer must be present at all times during fishing operations. Cooperation is required and includes transportation of observers to and from fishing site.
- (3) Adipose fin-clipped Chinook salmon, adipose fin-clipped coho salmon, sockeye salmon, pink salmon, and shad may be taken for commercial purposes in the mainstem Columbia River in Zones 1-2 with a pound net by those individuals possessing the proper licenses or permits issued by Oregon or Washington authorizing participation in the 2025 Emerging Commercial Fishery established through WAC 220-360-500. The required licenses and/or permits are an Emerging Fishery license and Experimental Fishery Permit issued by Washington or an Experimental Gear Permit issued by Oregon.
- (a) The fishery is open:
 - (A) From 7:00 a.m. to 7:00 p.m. on weekdays from August 18 through September 12, except closed on September 1 (Labor Day holiday);
 - (B) From 7:00 a.m. to 7:00 p.m. on the following days: September 15, September 17, September 19, September 23, September 25, September 29, October 1, and October 3; and
 - (C) From 7:00 a.m. to 7:00 p.m. on weekdays from October 6 through October 24.
 - (D) Notwithstanding the open hours shown in (3)(a)(A)-(C), active fishing may only occur for eight consecutive hours within each 12-hour period.

(b) Legal gear is a pound net as described here:

(A) Lead and jigger netting may be no larger than 3 1/8-inch stretch mesh.

(B) The heart, spiller, tunnel, and live well (sorting chamber) netting may be no larger than 2 1/2-inch stretch mesh.

(C) Pound net may have an optional apron of webbing no larger than 2 1/2 inch stretch mesh extending out flat along the river bottom from the bottom of all netting components. The apron may not exceed 3 feet in depth on the lead and jigger, and the apron may not exceed 6 feet in depth on the heart. Aprons must be anchored or weighed down in a manner sufficient to hold the apron to the river bottom.

(D) Optional marine mammal gates may be used to prevent marine mammals from entering the heart during active fishing.

(E) When not actively fishing for less than 24 hours, the following configuration must be put in place to allow fish free passage and to prevent unintended corralling of fish in heart compartment:

(i) The opening of the heart along the lead must remain open. All spillers (pots) and live wells must be moved (i.e., lifted, removed, etc.,) in a manner that creates an opening providing egress from the heart.

(ii) A midpoint panel of the lead must be lifted or removed to provide free passage through the lead.

(F) When not actively fishing for more than 24 hours but less than 72 hours, the following configuration must be put in place to allow fish free passage and to prevent unintended corralling of fish in heart compartment:

(i) The opening of the heart along the lead must remain open. All spillers (pots) and live wells must be moved (i.e., lifted, removed, etc.,) in a manner that creates an opening providing egress from the heart.

(ii) A midpoint panel of the lead and the panel nearest to the shore must be lifted or removed to provide free passage through the lead.

(iii) Spot checks must be conducted daily by the permit holder during which a logbook must be filled out. An WDFW or ODFW observer may be present during these daily spot checks.

(G) While not actively fishing for more than 72 hours but less than 120 hours, all netting must be raised above the high-water line.

(H) If the gear will not be fished for more than 120 hours, in addition to raising the netting above the high-water line, all netting must be removed from the piling within five days.

(c) Allowable sales are subject to Individual Fishing Quotas (as defined in the 2025 Experimental Fishery or Experimental Gear permits referenced in (3)). Retained Chinook and coho salmon must have a healed scar at the location of the clipped adipose fin. All legal adult Chinook and legal adult coho salmon caught must be kept and sold. Adult Chinook salmon are equal to or greater than 24-inches in total length. Adult coho salmon are equal to or greater than 20-inches in total length.

(d) Hand sorting or use of a knotless dip net is required for sorting. Dry sorting is not permitted.

(e) As a condition of fishing, an Oregon or Washington Department of Fish and Wildlife observer must be present at all times during fishing operations. Cooperation is required and includes transportation of observers to and from fishing site.

STATUTORY/OTHER AUTHORITY: ORS 496.118, ORS 506.109, ORS 506.129

STATUTES/OTHER IMPLEMENTED: ORS 506.119, ORS 507.030