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TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 110-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED: 10/30/2026 5:43 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Amend Extended Commercial Seasons

EFFECTIVE DATE: 10/30/2026 THROUGH 04/27/2027

AGENCY APPROVED DATE: 10/30/2026

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Filed By:
Adam Buell
Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to rescind the Elk River terminal ocean area commercial fishery which was established under permanent rule in September 2023. The permanent rule is not year-specific, so the fishery technically re-opens each year in November. Current forecasts for Elk River Chinook are not sufficient to support this extended commercial opportunity terminal area fishery.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings to modify this rule prior to the unintended opening of the fishery.

Failure to adopt these rules could cause serious prejudice to the public interest because a commercial fishery would technically re-open in ocean waters adjacent to the Elk River when the forecasted return is too low to support directed harvest of wild Chinook destined for this tributary. Allowing the fishery to proceed could lead to overharvest of Elk River wild Chinook and delay recovery of this depressed run. This amended rule will correct a prior oversight by clarifying the fishery is not open in 2026.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking are available from the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Adam Buell at 503-947-6233 or adam.m.buell@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: 635-003-0085

RULE TITLE: Extended Commercial Seasons

RULE SUMMARY: The proposed rule amends OAR 635-003-0085 which provides for an ocean terminal area commercial troll fishery adjacent to the Elk River mouth annually during November.

RULE TEXT:
Extended commercial seasons are not currently active.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146, ORS 506.119

STATUTES/OTHER IMPLEMENTED: ORS 506.129