



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 114-2020

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

09/03/2020 4:59 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Set Treaty Indian Fall Commercial Gillnet Fishery

EFFECTIVE DATE: 09/03/2020 THROUGH 12/31/2020

AGENCY APPROVED DATE: 09/03/2020

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NEED FOR THE RULE(S):

These rules are needed to authorize sales of fish caught in the Treaty Indian fall commercial gillnet fisheries in Zone 6 of the Columbia River.

JUSTIFICATION OF TEMPORARY FILING:

There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Oregon and Washington Departments of Fish and Wildlife, Joint Staff Report, Fall Fact Sheet No. 4a, dated September 3, 2020.
2. Columbia River Fishery Notice Compact/Joint State Action, dated September 3, 2020.

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, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

AMEND: 635-041-0075

SUSPEND: Temporary 635-041-0075 from DFW 98-2020

RULE SUMMARY: These amended rules extend fall Treaty commercial gillnet fishing periods in the Columbia River mainstem. Modifications are consistent with action taken September 3, 2020 by the Departments of Fish & Wildlife for the States of Oregon and Washington in cooperation with the Columbia River Treaty Tribes at a meeting of the Columbia River Compact.

CHANGES TO RULE:

635-041-0075

Fall Salmon Season

~~(1) Salmon (all species), steelhead, shad and walleye may be taken for commercial, yellow perch, bass, catfish, carp, and walleye may be retained for subsistence purposes in the from Columbia River above Bonneville Dam from 6 a.m. August 27 to 6 p.m. August 30, 1997. Zone 6 Treaty Indian fisheries as follows: ¶~~

~~(1) From 12:01 a.m. August 1 through 6:00 p.m. December 31, 2020 with gear restricted to subsistence fishing gear which includes hoop nets/bag nets, dip nets, and rod and reel with hook-and-line: ¶~~

~~(2a) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek which during Sturgeon between 38-54 inches in fork length caught in the Bonneville Pool and between 43-54 inches in fork length caught in The Dalles Pool may not be sold but may be retained for subsistence use. ¶~~

~~(b) Sturgeon between 43-54 inches in fork length caught in the John Day Pool may not be sold but may be retained for subsistence use, except these fish may be sold if caught during the John Day Pool setline fishery as described in OAR 635-041-0063. ¶~~

~~(c) The gillnet fishery is open as follows: ¶~~

~~(A) 6:00 a.m. Monday August 24 to 6:00 p.m. Thursday August 27, 2020: ¶~~

~~(B) 6:00 a.m. Monday August 31 to 6:00 p.m. Friday, September 4, 2020: ¶~~

~~(C) 6:00 a.m. Monday, September 7, 2020 to 6:00 p.m. Friday, September 11, 2020: ¶~~

~~(D) Gear is restricted to set and drift gillnets with an 8-inch minimum mesh size. ¶~~

~~(d) Standard sanctuaries applicable to gillnet gear are in effect. ¶~~

~~(2) Effective 12:01 a.m. August 25 through September 20, 1997, is the larger area described in OAR 635-041-0045(11) 6:00 p.m. December 31, 2020, commercial sales of salmon (all species), steelhead, walleye, shad, catfish, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Klickitat River and Drano Lake are allowed for Yakama Nation members during those days and hours when these tributaries are open under lawfully enacted Yakama Nation fishing periods. ¶~~

~~(a) Gear is restricted to subsistence fishing gear which includes hoop nets/bag nets, dip nets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake. ¶~~

~~(b) Sturgeon from 38 to 54 inches fork length may be kept for subsistence purposes. Sturgeon may not be sold. ¶~~

~~(3) Fish landed during the open fishing periods may be sold after the period concludes as long as the fish were landed during the open period.~~

Statutory/Other Authority: ORS 496.118, ORS 506.119

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 507.030