OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 107-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED: 10/09/2026 4:22 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Allow Sale of Warmwater Species Caught in Columbia River Treaty Indian Research Fishery

EFFECTIVE DATE: 10/12/2026 THROUGH 12/31/2026

AGENCY APPROVED DATE: 10/09/2026

CONTACT:
Adam Buell
503-947-6233
adam.m.buell@odfw.oregon.gov
4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Adam Buell
Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to authorize sales of yellow perch, bass, walleye, catfish, carp, northern pikeminnow, and suckers caught during this Treaty Indian research fishery in areas adjacent to the John Day Pool of the Columbia River from October 12 – December 31, 2026. The preseason assessment of this fishery by the tribes affirms the expectation that this fishery will remain within allowable harvest limits.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings to establish this tribal fishery by the specified date and time.

Failure to adopt these rules would deny tribal fishers the opportunity to sell their harvested fish in Oregon, which would cause economic hardship. This temporary rule will avoid these consequences by allowing the sale of fish caught in this fishery to Oregon-licensed buyers.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Columbia River Fishery Notice; Oregon Department of Fish and Wildlife; October 7, 2026.

2. COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION; JOINT STAFF REPORT - FALL FACT SHEET NO. 8; Columbia River Compact/Joint State Hearing; dated October 7, 2026.

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 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: 635-041-0072

SUSPEND: Temporary 635-041-0072 from DFW 69-2026

RULE TITLE: Carp, Shad and Other Nongame Fish

RULE SUMMARY: This amended rule provides state authorization of sales of yellow perch, bass, walleye, catfish, carp, northern pikeminnow, and suckers caught in a Treaty Indian research fishery in several backwater areas and sloughs of the John Day Pool to reflect recent tribal action to open this fishery.

RULE TEXT:
It is unlawful to fish for or possess carp and other nongame fish from the Columbia River for commercial purposes except:
(1) As authorized by ORS 508.106 (Permit to take carp or other foodfish).
(2) During open commercial fishing periods with gear authorized for those open commercial fishing periods.
(3) During a research commercial fishery using gillnets and occurring in backwater areas of the John Day Pool as described below:
(a) Participants are those individuals lawfully permitted by one of the Columbia River treaty tribes to participate in this fishery.
(b) This fishery is open from 6:00 AM October 12 through 6:00 PM December 31, 2026 (80.5 days).
(c) Open areas are:
(A) Railroad Island Slough (45.72504, -120.69580) only the slough side waters up from the railroad tracks,
(B) Paterson Slough (45.70664, -120.46430) only the slough side to the north of Highway 14,
(C) Sundale Slough (45.72008, -120.31364) only the slough side waters up from the railroad tracks,
(D) Jones Canyon Slough (45.71576, -121.24522) only the slough south of the railroad tracks,
(E) Willow Creek Slough (45.79306, -120.01470) only waters south of the eastbound lanes of I-84,
(F) Alderdale Slough (45.83741, -119.92876) only waters north of Highway 14, and;
(G) Paterson Slough (45.92950, -119.55259) waters inside the mouth of the slough, across from Irrigon and Umatilla fish hatcheries.
(d) Allowable sales are yellow perch, bass, walleye, catfish, carp, northern pikeminnow, and suckers which may be sold or retained for other purposes. These species may be sold after the permit fishing period concludes. All other species including salmon, steelhead, and sturgeon must be released. If any northern pike are handled, they must be killed and provided to tribal or state fishery programs.

STATUTORY/OTHER AUTHORITY: ORS 183.325, 506.119

STATUTES/OTHER IMPLEMENTED: ORS 506.129, 507.030