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CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILING CAPTION: Oregon Sport Fishing Regulations and Rules Structural Revisions

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RULES:
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AMEND: 635-011-0050

RULE TITLE: Procedures for Promulgation of Angling Regulations

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Revisions to language to allow adoption of sport fishing regulations bi-annually.

RULE TEXT:
(1) In accordance with ORS 496.162, Department staff shall continually monitor the status of fish, shellfish, and marine invertebrates and report promptly to the Director and Commission any serious or abnormal changes in health or abundance of the resource.
(2) Except as provided in subsections (2)(a) and (2)(b), the Commission shall adopt biennially rules prescribing seasons, bag limits, method of harvest, and specific restrictions considered necessary to provide optimum recreational and aesthetic benefits to anglers and other citizens;
(a) In the event more restrictive rules are needed to protect or preserve a species or stock experiencing depletion or drastic decline in health or abundance the Commission shall consider adopting rules at its earliest opportunity to prevent further depletion or decline;
(b) In the event more liberal rules are needed to allow anglers to harvest stocks which become more abundant than expected or which would otherwise be wasted, the Commission shall consider adopting rules at its earliest opportunity to prevent waste and provide additional public recreation.
(3) In order to facilitate incorporation of all available information relating to angling regulations, and to reduce the costs

associated with promulgating rules to establish regulations and making those regulations available to the public, it is desirable that major changes in seasons, bag limits, methods of harvest and specific regulations be made during Major Public Process Cycles which will take place every four years or at such intervals as determined by staff to best incorporate public input and that during interim years, angling regulations be adopted biennially without substantive change. In order to so limit substantive changes to angling regulations to the degree practicable, during Major Public Process Cycles starting in 2013 the following standards and procedures shall be followed:

(a) The Department will request proposals for new or modified regulations during Major Public Process Cycles. Such proposals shall include: identity of sponsor, name of waterbody or species, proposed wording, a stated reason the rule is considered necessary. Actions intended to change fishing opportunities must clearly identify need, benefit and rationale for change; must clearly demonstrate the benefit of changing regulations, must clearly acknowledge impacts to other anglers and social support for change, and demonstrate that changes do not cause or increase risk to fish populations, reproduction or recruitment, or maintaining future fisheries. If intended to conserve fish populations, regulation changes must demonstrate a conservation benefit, demonstrate that current regulations do not adequately protect populations. A standard form for submitting proposals will be available from Department offices by January 1 the year of the Major Public Process Cycle;

(b) Absent extenuating circumstances only proposals received by February 28 will be included in the process described in subsections (3)(c), (3)(d), (3)(e), and (3)(f);

(c) Proposals received by February 28 shall be reviewed by Department staff and enforcement personnel. Reviews will be based on criteria listed in subsection (3)(g). Like proposals may be grouped or consolidated. Proposals not passing department reviews will be eliminated from the process prior to Commission meetings. By May 15 the Department will provide to sponsor, the results of the review and specific basis for rejection or acceptance of the proposal along with relevant comments;

(d) A summary of all angling regulation proposals received by February 28 and passing staff and enforcement personnel reviews described in subsection (3)(c) will be publicized through the news media to identify the issues which are being processed;

(e) Proposals passing staff and enforcement personnel reviews described in subsection (3)(c) may be presented at public meetings to allow public comment on the merits of the proposal and determine levels of public support for proposed rules. Such meetings will be held prior to July 1;

(f) A Commission hearing will be held in late summer or early fall to establish angling regulations. Only properly submitted angling regulation proposals in compliance with subsections (3)(a), (3)(b), and (3)(d) shall be considered; others may be considered at discretion of Commission;

(g) In determining the merits and necessity of a proposed regulation and in making the decision on adoption, the Commission may consider one or all of the following. The proposed rule should be:

(A) Consistent with ODFW fish management and conservation policies and rules;

(B) Consistent with federal fish management plans and mandates;

(C) Consistent with statutory mandates and within ODFW's rule-making authority;

(D) Based on an established need;

(E) Consistent with biologically sound principles and biologically feasible;

(F) Supported by affected citizens and address an established social need;

(G) Easily understood with clearly defined limits or boundaries;

(H) Enforceable.

(h) Proposed regulations which fail to meet these conditions may be eliminated from the Major Public Process prior to Commission consideration.

(4) Nothing in this rule shall in any way limit any rights conferred under ORS 183.390 and OAR 137-001-0070.

STATUTORY/OTHER AUTHORITY: ORS 496.138, 496.146, 506.119

STATUTES/OTHER IMPLEMENTED: ORS 496.162, 506.129

AMEND: 635-011-0100

RULE TITLE: General Rule

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Revisions to language to allow adoption of sport fishing regulations bi-annually.

RULE TEXT:

It is unlawful to take any fish, shellfish, or marine invertebrates for personal use except as provided in these rules which include and incorporate the current annual Oregon Sport Fishing Regulations by reference. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-013-0004

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:
(1) OAR 635-013-0005 through OAR 635-013-0009 modify or are in addition to provisions contained in Code of Federal Regulations, Title 50, Part 660, Subparts A and H, and the current annual Oregon Sport Fishing Regulations.
(2) The Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H, and the current annual Oregon Sport Fishing Regulations contain requirements for sport salmon angling in the Pacific Ocean off the Oregon coast. However, additional regulations may be adopted from time to time, and, to the extent of any inconsistency, they supersede the published federal regulations and the current annual Oregon Sport Fishing Regulations. This means that persons must consult not only the federal regulations and the published sport fishing regulations but also the Department's web page to determine all applicable sport fishing regulations.
(3) This rule contains requirements that modify sport salmon angling regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean sport salmon fishery in general and within management zones established by the Pacific Fishery Management Council and enacted by Federal Regulations (CFR, Title 50, Part 660, Subparts A and H).

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-014-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The purpose of Division 014 is to provide for management of sport fisheries in the Northwest Zone over which the State has jurisdiction.

(2) Division 014 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 014 to determine all applicable sport fishing requirements for the Northwest Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-014-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations pamphlet.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-014-0500

RULE TITLE: North Coast District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-014-0510

RULE TITLE: Mid-Coast District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-016-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The purpose of Division 016 is to provide for management of sport fisheries in the Southwest Zone over which the State has jurisdiction.

(2) Division 016 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 016 to determine all applicable sport fishing requirements for the Southwest Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-016-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Southwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations pamphlet.

STATUTORY/OTHER AUTHORITY: ORS 496.146, ORS 496.138

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-016-0500

RULE TITLE: Umpqua District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-016-0510

RULE TITLE: Coos-Coquille District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-016-0520

RULE TITLE: South Coast District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-016-0530

RULE TITLE: Upper Rogue District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-017-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The purpose of Division 017 is to provide for management of sport fisheries in the Willamette Zone over which the State has jurisdiction.

(2) Division 017 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 017 to determine all applicable sport fishing requirements for the Willamette Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-017-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The current annual Oregon Sport Fishing Regulations provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

(2) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-017-0095

RULE TITLE: Sturgeon Season

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-017-0500

RULE TITLE: North Willamette (Coast) District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-017-0510

RULE TITLE: North Willamette (Cascade) District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-017-0520

RULE TITLE: Mid-Willamette District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-017-0530

RULE TITLE: Upper Willamette District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-018-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The purpose of Division 018 is to provide for management of sport fisheries in the Central Zone over which the State has jurisdiction.

(2) Division 018 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 018 to determine all applicable sport fishing requirements for the Central Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-018-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Central Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-018-0500

RULE TITLE: Mid-Columbia District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

(1) Seasonal closures prohibiting angling may be enacted to provide additional protection for upriver summer steelhead. When enacted, closures will be from July 15-September 15 in the lower reaches of Columbia River tributaries within the Central Zone as specified in section (2).

(2) The closures will be in the lower reaches of Eagle Creek and the Deschutes River as described below, and adjacent areas of the mainstem Columbia River (Columbia River Zone) as described in OAR 635-023-0090:

(a) Eagle Creek. That portion of Eagle Creek from the angling deadline in Eagle Creek (200 feet downstream of hatchery fishway entrance) downstream to the mouth at the mainline railroad bridge.

(b) Deschutes River: The lower Deschutes River from markers at the lower end of Moody Rapids downstream to the mouth at the Interstate 84 Bridge.

(3) Except as described above, other permanent rules apply.

(4) Nothing in this rule precludes the Department from recommending or the Commission from enacting protective measures for Columbia River steelhead not described in this rule that the Department or Commission deems necessary for conservation purposes, respectively.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-018-0510

RULE TITLE: Deschutes District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-019-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:
(1) The purpose of Division 019 is to provide for management of sport fisheries in the Northeast Zone over which the State has jurisdiction.
(2) Division 019 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 019 to determine all applicable sport fishing requirements for the Northeast Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-019-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-019-0500

RULE TITLE: John Day District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-019-0510

RULE TITLE: Umatilla District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-019-0520

RULE TITLE: La Grande District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-019-0530

RULE TITLE: Wallowa District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-021-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The purpose of Division 021 is to provide for management of sport fisheries in the Southeast Zone, over which the State has jurisdiction.

(2) Division 021 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 021 to determine all applicable sport fishing requirements for the Southeast Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-021-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The current annual Oregon Sport Fishing Regulations provide requirements for the Southeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the. current annual Oregon Sport Fishing Regulations.

(2) From June 1 through August 31, the Malheur River is open to angling for spring Chinook on the mainstem river from the Bluebucket Creek confluence upstream to the headwaters of McCoy Creek, Lake Creek, Big Creek and tributaries, and Bosonberg Creek. The daily bag limit is two (2) hatchery spring Chinook; two daily limits in possession.

(3) Burns Paiute Tribal members participating in this experimental spring Chinook fishery are governed by the conditions and limitations established in the Burns Paiute Tribal Fishing Code.

(a) Burns Paiute Tribal members are not required to have an ODFW angling license or report catch on an ODFW combined angling tag when fishing for spring Chinook in the area described above in section (2).

(b) Burns Paiute Tribal members must have a valid tribal identification card in their possession.

(c) When fishing for any species other than spring Chinook, an ODFW angling license is required and General, Statewide and Southeast Zone regulations, as provided in the Oregon Sport Fishing Regulations, remain in effect.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-021-0500

RULE TITLE: Klamath District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-021-0510

RULE TITLE: Southeast District

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

Reserving Number

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-023-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The purpose of Division 023 is to provide for management of sport fisheries in the Columbia River Zone over which the State has jurisdiction.

(2) Division 023 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 023 to determine all applicable sport fishing requirements for the Columbia River Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-023-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

(2) Seasonal closures prohibiting angling may be enacted to provide additional protection for upriver summer steelhead. When enacted, closures will be from July 15-September 15 in Oregon waters at the mouths, and in the lower reaches of Columbia River tributaries as specified in sub-section (3)(a) through (3)(f) below.

(3) The closures will be in the lower reaches of Eagle Creek (Central Zone), Herman Creek (Columbia Zone), and the Deschutes River (Central Zone), and adjacent areas of the mainstem Columbia River (Columbia River Zone) as described below:

(a) Eagle Creek. That portion of Eagle Creek (Central Zone) from the angling deadline in Eagle Creek (200 feet downstream of hatchery fishway entrance) downstream to the mouth at the mainline railroad bridge.

(b) Eagle Creek mouth: That portion of the mainstem Columbia River (Columbia River Zone) adjacent to the mouth of Eagle Creek from the mainline railroad bridge northwest to a line projecting from a marker on the Oregon shore approximately 200 feet downstream of Eagle Creek, through red navigation buoy #4, and terminating at a marker on the Oregon shore approximately 325 feet upstream of Eagle Creek.

(c) Herman Creek: That portion of Herman Creek (Columbia Zone) from the mainline railroad bridge downstream to markers at mouth.

(d) Herman Creek Lagoon: That portion of the mainstem Columbia River (Columbia River Zone) adjacent to the mouth of Herman Creek commonly referred to as Herman Creek Lagoon east of a line from the northwest tip of the jetty, south to a marker on the Oregon shore.

(e) Deschutes River: The lower Deschutes River (Central Zone) from markers at the lower end of Moody Rapids downstream to the mouth at the Interstate 84 Bridge.

(f) Deschutes River mouth: That portion of the mainstem Columbia River (Columbia River Zone) adjacent to the mouth of the Deschutes River from the Interstate 84 Bridge north to a line projecting from the flashing red navigation marker #2 located approximately 1.5 miles downstream of the Deschutes River mouth on the Oregon shore, upstream to the red navigation marker #4, then to the lower South Channel Range “B” marker located on the Oregon shore approximately 0.7 mile upstream of the Deschutes River mouth.

(4) Except as described above, other permanent rules apply except for those areas within the Columbia River Zone which are subject to annual regulations described in OARs 635-023-0095, 635-023-0125, 635-023-0128, and 635-023-0130 and those areas within the Central Zone which are subject to any permanent rule modifications within OAR 635-018-0090.

(5) Nothing in this rule precludes the Department from recommending or enacting, as needed for conservation purposes, protective measures for Columbia River steelhead not described in this rule.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-023-0095

RULE TITLE: Sturgeon Season Below Bonneville Dam

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-023-0101

RULE TITLE: Sturgeon Season Above Bonneville Dam

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-023-0125

RULE TITLE: Spring Sport Fishery

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-023-0128

RULE TITLE: Summer Sport Fishery

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-023-0130

RULE TITLE: Fall Sport Fishery

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

REPEAL: 635-023-0134

RULE TITLE: Snake River Fishery

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

The 2023 Oregon Sport Fishing Regulations provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2023 Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-023-0140

RULE TITLE: Youngs Bay Control Zone

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

RULE TEXT:

(1) The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

(2) The Youngs Bay Control Zone is closed to recreational angling from August 1 through September 15.

(a) The Youngs Bay Control Zone is defined as those waters southerly of a line originating on the Oregon shore at the east end of the seawall at the Warrenton Fiber log yard (approximately river mile 10.1) northeasterly through green navigation buoys 29, 31, 33, and 35A to the center of the Astoria-Megler Bridge abutment adjacent to, and north of the ship channel, and continuing southerly in line with the center of the Megler Bridge span to the Oregon shore.

(b) The Youngs Bay Control Zone includes all waters from the line defined in section (2)(a) above south to the Highway 101 Bridge.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-024-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

(1) The purpose of Division 024 is to provide for management of sport fisheries in the Snake River Zone over which the State has jurisdiction.

(2) Division 023 incorporates by reference the current annual Oregon Sport Fishing Regulations. Therefore, persons must consult the current annual Oregon Sport Fishing Regulations in addition to Division 011 and Division 024 to determine all applicable sport fishing requirements for the Snake River Zone.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

ADOPT: 635-024-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: The Commission will be asked to add rules to current divisions to organize rules at the District level.

RULE TEXT:

The current annual Oregon Sport Fishing Regulations provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-039-0080

RULE TITLE: Purpose and Scope

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.
These amended rules will modify annual groundfish management measures and harvest limits for 2024 commercial and recreational groundfish fisheries, including but not limited to, state Harvest Guidelines for commercial and recreational fisheries, recreational regulations (e.g., bag limits, length limits, and seasons), nearshore commercial regulations (e.g., bi-monthly period vessel limits), and commercial closed areas adopted by the Ocean Policy Advisory Council. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

RULE TEXT:
(1) The purpose of Division 039 is to provide for management of sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.
(2) Division 039 incorporates into Oregon Administrative Rules, by reference:
(a) The sport fishing regulations of the State, included in the current annual Oregon Sport Fishing Regulations;
(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2023 ed.), as amended; and
(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 2023 ed.), as amended.
(3) Therefore, persons must consult all publications referenced in this rule in addition to Division 011 and Division 039 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162

AMEND: 635-039-0090

RULE TITLE: Inclusions and Modifications

NOTICE FILED DATE: 06/15/2023

RULE SUMMARY: Updates references from 2023 to the current annual sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.
These amended rules will modify annual groundfish management measures and harvest limits for 2024 commercial and recreational groundfish fisheries, including but not limited to, state Harvest Guidelines for commercial and recreational fisheries, recreational regulations (e.g., bag limits, length limits, and seasons), nearshore commercial regulations (e.g., bi-monthly period vessel limits), and commercial closed areas adopted by the Ocean Policy Advisory Council. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.
This information item will present the Conservation and Fishery Management Plan for Abalone in Oregon, and rulemaking will extend closure of recreational abalone fishery indefinitely.

RULE TEXT:
(1) The current annual Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the current annual Oregon Sport Fishing Regulations.
(2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery. Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if additional regulatory actions are necessary to achieve management objectives. The following sport harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport fishery in a single calendar year:
(a) Black rockfish, 389.1 metric tons;
(b) Blue rockfish and deacon rockfish combined: 66.7 metric tons;
(c) Other Nearshore Rockfish combined: 15.2 metric tons;
(d) Cabezon, 17.6 metric tons; and
(e) Greenling, 32.6 metric tons.
(3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (Sebastes chrysolmelas); brown (S. auriculatus); calico (S. dalli); China (S. nebulosus); copper (S. caurinus); gopher (S. carnatus); grass (S. rastrelliger); kelp (S. atrovirens); olive (S. serranoides); quillback (S. maliger); and treefish (S. serriceps).
(4) In addition to the regulations for Marine Fish in the current annual Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:
(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.
(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the current annual Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate (total sum or number), of which no more than one may be a cabezon, when retention of cabezon is allowed. Retention of the following species is prohibited:
(A) Yelloweye rockfish;
(B) Cabezon from January 1 through June 30; and
(C) Quillback rockfish.
(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).
(d) Except as specified in subsection (4)(d)(A), retention of all marine fish listed under the category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained

on the vessel during open days for the all-depth sport fishery for Pacific halibut when the sport fishery for general marine species (other than flatfish species) is closed outside of the 40 fathom curve as specified in subsection (4)(f).
(A) Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.
(B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for general marine species (other than flatfish species) is closed outside of the 40-fathom curve as specified in subsection (4)(f), fishing with long-leader gear is allowed on the same trip as all-depth halibut fishing as follows:
(i) When rockfish are onboard the vessel, anglers are only allowed to retain the species listed under subsection (4)(h)(A) and must use longleader gear as defined in subsection (4)(e)(F);
(ii) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark) may be retained while all-depth halibut fishing, prior to retaining any rockfish species;
(iii) It is not required to separate all-depth halibut fishing from long-leader fishing by returning to the dock and offloading fish. A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish; and
(iv) All other requirements and prohibitions contained within subsection (4)(h) apply.
(e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c) including the following:
(A) Minimum length for lingcod, 22 inches.
(B) Minimum length for cabezon,16 inches.
(C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.
(D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.
(E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a descending device shall be presented for inspection by any person authorized to enforce the wildlife laws or a representative of the Department. In this subsection, “descending device” means a device capable of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve the fish’s chance of survival.
(F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest hook, and a non-compressible float attached to the line above the hooks. The hooks can only be equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish, crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.
(f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections 4(b) and (4)(d). A 20-fathom, 25-fathom, 30-fathom, or 40-fathom curve, as shown in Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line for depth-based inseason modifications as necessary. In addition, the following management lines may be used to set area-specific regulations for inseason action only:
(A) Cape Lookout (45°20’30” N latitude); and
(B) Cape Blanco (42°50’20” N latitude).
(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2018 ed.). Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut.

Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(h) On any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, the following apply:

(A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (Sebastes flavidus), widow rockfish (S. entomelas), canary rockfish (S. pinniger), deacon rockfish (S.diaconus), blue rockfish (S. mystinus), redstripe rockfish (S. proriger), greenstriped rockfish (S.elongatus), chilipepper rockfish (S. goodei), bocaccio rockfish (S. paucispinis), or silvergray rockfish (S.brevispinis);

(B) The daily bag limit is 12 fish in aggregate for the species listed in section (4)(h)(A);

(C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish, except as specified in subsection (4)(d)(B)(iii);

(D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than 10 fish in aggregate of the species listed in subsection (4)(b) in the same day;

(E) It is unlawful to fish for any species in the Groundfish Group, including those listed in subsection (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in subsection (4)(e)(F); and

(F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any inconsistency, including the definition of long-leader gear.

(i) Take of abalone is prohibited.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146

STATUTES/OTHER IMPLEMENTED: ORS 496.162