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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 27-2025

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

04/10/2025 3:52 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Modify the Annual Closure Period for Treaty Subsistence Fishing in the Fifteenmile Creek Sanctuary

EFFECTIVE DATE: 04/16/2025 THROUGH 06/15/2025

AGENCY APPROVED DATE: 04/09/2025

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Filed By:

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Rules Coordinator

NEED FOR THE RULE(S):

Based on available winter steelhead passage and timing data for Fifteenmile Creek, ODFW has determined that reducing the closure period for subsistence fishing at the mouth of Fifteenmile Creek balances the need for conservation consistent with the 'least restrictive principle' for restricting Treaty fishing opportunity.

JUSTIFICATION OF TEMPORARY FILING:

Department staff have been working with the Nez Perce Tribe for several seasons on a permanent solution regarding the end date for the closed fishing area at the mouth of Fifteenmile Creek. Both parties realize the need to finalize this issue but unfortunately were unable to identify a resolution in time for a permanent regulation change in 2025. Therefore, there is not adequate time to go through normal rulemaking proceedings to modify these rules by the specified date. Department staff intend to address this issue through the permanent regulation process in 2026.

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 adopt this temporary rule would cause serious prejudice to the public interest in that this closure would adversely impact opportunity for Treaty fishers to harvest spring Chinook at this important subsistence fishing location.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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: 635-041-0020

RULE SUMMARY: Under permanent rule, the annual closure date for treaty subsistence fishing around the mouth of Fifteenmile Creek extends from November 16 through June 15. This amended rule allows subsistence fishing in this

area to resume on April 16 to allow access to spring Chinook.

CHANGES TO RULE:

635-041-0020

Areas Closed to Subsistence Fishing ¶

~~It is unlawful to engage in subsistence fishing at any time in:~~¶

(1) Those waters of the main stem Columbia River near Bonneville Dam westerly and downstream of a line from Light "4" on the Oregon shore, located approximately 200 yards upstream of the mouth of Eagle Creek, thence northerly to Light "5" located on Boat Rock in midriver, thence perpendicular to the thread of the river to a marker on the Washington shore.¶

(2) Those waters of the main stem Columbia River near The Dalles Dam easterly and upstream from a line at marker on Covington Point on the Oregon shore, thence in a westerly direction to a marker on the Washington shore beneath the Interstate Bridge to a point 200 feet above The Dalles Dam. Subsistence fishing for salmon and steelhead is allowed within this closed area except:¶

(a) Within 600 feet of fishway entrances;¶

(b) Within 600 feet of the mouth of Fifteenmile Creek from November 16 through ~~June~~April 15; and¶

(c) Within 200 feet above The Dalles Dam.¶

(3) Those waters of the main stem Columbia River within a radius of one-quarter mile of the mouths of the Hood River, Deschutes River, Wind River, Little White Salmon River, Spring Creek, and Klickitat River.¶

(4) Those waters of the main stem Columbia River near John Day Dam from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to Light "2" located on the navigation lock wing wall, thence to a marker on the Washington shore easterly and upstream to 200 feet above John Day Dam.¶

(5) Those waters of the mainstem Columbia River near McNary Dam easterly and upstream from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to the end of the navigation lock wing wall, thence to a marker on the Washington shore.¶

(6) All fishways in Oregon tributary streams of the Columbia River within 100 feet above and below such fishways. This closure does not apply to the taking of lamprey eel so long as such taking does not interfere with the migration of salmon or steelhead through such fishways.¶

(7) Those waters of Eagle Creek from its mouth to 100 feet above the Department intake Dam.¶

(8) Those waters of Herman Creek from its mouth to 100 feet above the Department holding ponds.

Statutory/Other Authority: ORS 183.325, 506.119

Statutes/Other Implemented: ORS 506.129, 507.030