

7-25

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

DFW 67-2006 (Temp)

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on July 25, 2006 by the
Date prior to or same as filing date

<u>Oregon Department of Fish and Wildlife</u> Agency and Division	<u>Fish Division</u> Address	<u>635</u> Administrative Rules Chapter Number
<u>Casaria Tuttle</u> Rules Coordinator	<u>3406 Cherry Avenue NE Salem, OR 97303</u> Address	<u>(503) 947-6033</u> Telephone

to become effective August 11, 2006 through December 31, 2006.
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Expand sport salmon season in the Pacific Ocean

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT:
Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:
635-013-0004

SUSPEND:



ORS 496.138, 496.146, 497.121 and 506.119

Stat. Authority:

Other Authority:

ORS 496.004, 496.009, 496.162 and ORS 506.129

Stats. Implemented:

RULE SUMMARY

Amend rule to expand the ocean recreational salmon fishery season from Leadbetter Point, Washington to Cape Falcon, Oregon.

Roxie Burns
Authorized Signer

Roxie Burns
Printed Name

July 25, 2006
Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.
ARC 940-2005

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Fish and Wildlife
Agency and Division

Fish Division

635
Administrative Rules Chapter Number

In the Matter of: Amendment of OAR Chapter 635, Division 013 related to sport ocean fishing.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Expand sport salmon season in the Pacific Ocean.

Statutory Authority: ORS 496.138, 496.146, 497.121 and 506.119

Other Authority:

Stats. Implemented: ORS 496.004, 496.009, 496.162 and ORS 506.129

Need for the Temporary Rule(s):

This rule is needed to expand the ocean recreational salmon fishery from Leadbetter Point, Washington to Cape Falcon, Oregon.

Documents Relied Upon, and where they are available:

1. ODFW Action Notice dated July 24, 2006

The above documents are available for public inspection in the Department of Fish and Wildlife, Fish Division, Third Floor, 3406 Cherry Avenue NE, Salem, Oregon, between 8:00 a.m. and 4:30 p.m., on normal working days, Monday through Friday.

Justification of Temporary Rule(s):

This rule is needed to expand the recreational ocean salmon fishery season from Leadbetter Point, Washington to Cape Falcon, Oregon. The National Marine Fisheries Service, together with the PFMC and the States, have reviewed the status of the fishery and proposed the expansion of the season. There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this rule would cause serious prejudice to the public interest in that individuals would not be permitted access to additional harvest opportunities available.



Authorized Signer

Roxie Burns

Printed Name

July 25, 2006

Date

635-013-0004

Temp Rule ef. 8-11-06 thru 12-31-06

Inclusions and Modifications

(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 **2006 Oregon Sport Fishing Regulations**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H**, and the **2006 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 **2006 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)**.

(4) Effective 12:01 a.m. August 11, 2006, in the area from Leadbetter Point, WA, to Cape Falcon, OR, the salmon fishery is open seven days per week. The bag limit is two salmon per day. Minimum length requirements are 24-inches for chinook and 16-inches for coho. All retained coho must have a healed adipose fin-clip.

Stat. Auth.: ORS 496.138, 496.146, 497.121 and 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 and 506.129

Hist.: