

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

7-6

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on July 6, 2007 by the
Date prior to or same as filing date

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

to become effective August 1, 2007 through December 31, 2007.
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Retention of radio-tagged fall chinook salmon allowed from Umpqua River Basin streams

RULEMAKING ACTION

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

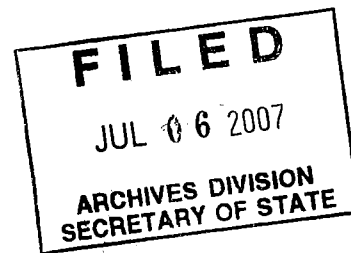
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

635-016-0090 (T)

SUSPEND:



Stat. Authority: ORS 496.138, ORS 496.146 and ORS 506.119

Other Authority: _____

Stats. Implemented: ORS 496.162 and ORS 506.129

RULE SUMMARY

Amend rule to allow the retention of radio-tagged fall chinook salmon from Umpqua River Basin streams.

Laurie Byerly
Authorized Signer

Laurie Byerly
Printed Name

July 6, 2007
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

DFW 56-2007 (temp)

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

Fish Division

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendment of OAR Chapter 635, Division 016 related to Umpqua River Basin fall salmon fisheries

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

Retention of radio-tagged fall chinook salmon allowed from Umpqua River Basin streams

Statutory Authority: ORS 496.138, ORS 496.146 and ORS 506.119

Other Authority:

Stats. Implemented: ORS 496.162 and ORS 506.129

Need for the Temporary Rule(s):

This rule is needed to allow the retention of radio-tagged fall chinook salmon from Umpqua River Basin streams.

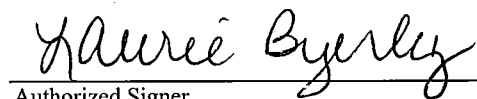
Documents Relied Upon, and where they are available:

1. 2007 Oregon Sport Fishing Regulations, General (Statewide) Regulations, page 8, item 17.
2. Memorandum: "Rule Change Regarding Radio Tags in the Umpqua River Basin" from Brian Riggers, dated May 17, 2007.

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 4:00 p.m., on normal working days, Monday through Friday.

Justification of Temporary Rule(s):

Current General (Statewide) Regulations prohibit the retention of radio-tagged fish. An ODFW (the Department) news release highlighted a Umpqua Basin research and monitoring project and instructed anglers how to recognize the black wire antenna and asked that anglers return the radio transmitters to the Department. This rule is needed to allow the retention of radio-tagged fall chinook salmon from Umpqua River Basin streams. It is the intent of the Department to recover as many tags as possible without fear of reprisal. There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this rule will cause serious prejudice to the public interest in that an enforcement issue could result, contrary to the Department's desire to have tags returned.



Authorized Signer

Laurie Byerly

Printed name

July 6, 2007

Date

635-016-0090

Temp Rule ef. 8-1-07 thru 12-31-07

Inclusions and Modifications

(1) The **2007 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 **2007 Oregon Sport Fishing Regulations**.

(2) Rogue River, tidewater upstream to Hog Creek boat landing:

(a) Mouth upstream to Whiskey Creek:

(A) From 12:01 a.m. June 21 thru July 13, 2007 only adipose fin-clipped chinook salmon may be retained.

(B) From July 14 thru December 31, **2007 Oregon Sport Fishing Regulations** for Southwest Zone apply.

(b) Whiskey Creek upstream to Hog Creek boat landing:

(A) From 12:01 a.m. June 21 thru July 31, 2007 only adipose fin-clipped chinook salmon may be retained.

(B) From August 1 thru December 31, **2007 Oregon Sport Fishing Regulations** for Southwest Zone apply.

(3) Rogue River, Hog Creek boat landing to Gold Ray Dam:

(a) From 12:01 a.m. June 21 thru August 14, 2007 only adipose fin-clipped chinook salmon may be retained.

(b) From August 15 thru September 30, **2007 Oregon Sport Fishing Regulations** for Southwest Zone apply.

(4) Rogue River, from Gold Ray Dam to Cole Rivers Hatchery Diversion Dam:

(a) Gold Ray Dam to the Rogue Elk boat ramp:

(A) From 12:01 a.m. June 21 thru June 30, 2007 only adipose fin-clipped chinook salmon may be retained.

(B) Closed to retention of chinook salmon from July 1 thru October 31, 2007.

(b) Rogue Elk boat ramp to Cole Rivers Hatchery diversion dam:

(A) From 12:01 a.m. June 21 thru July 31 only adipose fin-clipped chinook salmon may be retained.

(B) Closed to retention of chinook salmon August 1 thru October 31, 2007.

(5) Notwithstanding General State Regulations, in those waters identified in the Southwest Zone under Special Regulations where the harvest of fall chinook salmon is allowed, retention of radio-tagged fall chinook salmon is permitted from August 1 thru December 31, 2007. Anglers are requested to return tags to the local ODFW office.

(6) All other specifications and restrictions as specified in the current **2007 Oregon Sport Fishing Regulations** apply.

Stat. Auth.: ORS 496.138 and 496.146

Stats. Implemented: ORS 496.162

Hist.: