

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

8-20

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on August 17, 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 20, 2007 through August 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.

Ocean commercial coho salmon fishery closure from Cape Falcon to Humbug Mountain

**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:**

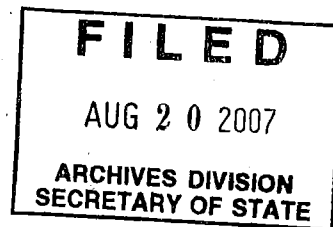
635-003-0004

**SUSPEND:**

Stat. Authority: ORS 496.138, 496.146 and 506.119

Other Authority: \_\_\_\_\_

Stats. Implemented: ORS 506.129



**RULE SUMMARY**

Amended rule implements a closure to retention of ocean commercial coho salmon in the non-selective coho fishery in the area between Cape Falcon and Humbug Mountain, Oregon. This closure is effective at 11:59 p.m. Monday, August 20, 2007 when the 10,000 non-mark-selective quota is expected to be reached.

Laurie Byerly  
Authorized Signer

Laurie Byerly  
Printed Name

August 20, 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

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 003, related to ocean commercial salmon fisheries.

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

Ocean commercial coho salmon fishery closure from Cape Falcon to Humbug Mountain

Statutory Authority: ORS 496.138, 496.146 and 506.119

Other Authority:

Stats. Implemented: ORS 506.129

Need for the Temporary Rule(s):

This rule is needed to implement a closure to retention in the non-selective coho fishery between Cape Falcon, Oregon and Humbug Mountain, Oregon effective 11:59 p.m. August 20, 2007 when the 10,000 non-mark-selective quota is expected to be reached.

Documents Relied Upon, and where they are available:

1. ODFW Action Notice, dated August 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):

The National Oceanic & Atmospheric Administration (NOAA Fisheries Service), in consultation with the Oregon Department of Fish and Wildlife (ODFW), the Pacific Fishery Management Council (PFMC), and fishery representatives has taken in-season action to close the commercial troll salmon fishery to the retention of coho in the area from Cape Falcon to Humbug Mountain, Oregon. Specific fishery management measures vary by fishery and by area. To implement these modifications, it is necessary for Oregon to adopt these measures into Administrative Rule. 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 measures intended to prevent over-fishing, to apportion the ocean harvest equitably and to allow for spawning escapement would not be implemented.

  
Authorized Signer

Laurie Byerly  
Printed name

August 20, 2007  
Date

635-003-0004

Temp Rule ef. 8-20-07 thru 8-31-07

**Inclusions and Modifications**

(1) OAR 635-003-0005 through 635-003-0076 modify or are in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart H**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H**, provides requirements for commercial salmon fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

(3) This rule contains requirements which modify commercial salmon fishing regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean commercial 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, Subpart H)**.

(4) General Requirements, Definitions, Restrictions or Exceptions: Vessels prevented by unsafe weather conditions or mechanical problems from meeting management area landing restrictions, must notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area. Notification shall include the vessel name, port where delivery will be made, approximate number of salmon (by species) on board, and estimated time of arrival.

(5) South of Cape Falcon to the Oregon/California border:

(a) Open to all salmon except coho April 10-April 29;

(b) It is *unlawful* to take chinook salmon less than 28 inches in length;

(c) It is *unlawful* to retain incidentally caught halibut during the March/April salmon season;

(d) It is *unlawful* to fish with gear having more than four spreads per wire, and only single point, single shank barbless hooks are allowed;

(e) It is *unlawful* to possess or land more than 100 salmon per vessel per calendar week (Sunday thru Saturday).

(f) A rectangular area offshore is open to the retention of all chinook salmon consistent with seasons adopted by the Pacific Fishery Management Council in adjacent waters, except that prior to August 1 only fin-clipped chinook salmon may be retained in this area. This rectangular area extends from Twin Rocks (45°35'54" N. Lat.) to Pyramid Rock (45°29'48" N. Lat.) inside the 15 fathom depth contour.

(6) South of Cape Falcon to Humbug Mountain, Oregon: The non-selective coho fishery is closed to retention of coho salmon effective 11:59 p.m. Monday, August 20, 2007.

(7) Humbug Mountain, Oregon, to Humboldt South Jetty: When the fishery is closed north of the Oregon/California border and open to the south, vessels with fish on board taken in the open area may request authorization to temporarily moor in Brookings, Oregon, prior to landing in California. Such vessels shall first notify the Chetco River Coast Guard Station via VHF Channel 22A between the hours of 0500 and 2200. Proper notification shall include the vessel name, number of fish on board, and estimated time of arrival.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stat. Implemented: ORS 506.129

Hist.: