

6-3

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

DFW 63-2009 (Temp)

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on June 3, 2009 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

Therese M. Kucera

3406 Cherry Avenue NE Salem, OR 97303

(503) 947-6033

Rules Coordinator

Address

Telephone

to become effective June 6, 2009 through October 9, 2009.

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.

Sport Sturgeon Fishery Closes In Bonneville Reservoir

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

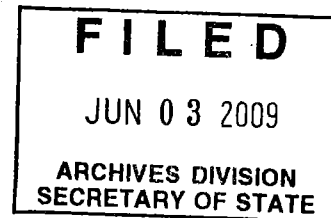
ADOPT:

AMEND:

635-023-0095

SUSPEND:

635-023-0095 (Temp effective 4-13 through 10-9-09)



Stat. Authority: ORS 496.138, 496.146 and 506.119

Other Authority:

Stats. Implemented: ORS 496.162 and 506.129

RULE SUMMARY

Amended rule prohibits retention of white sturgeon in the Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam effective at 12:01 a.m. on Saturday, June 6, 2009. Revisions are consistent with Joint State Action taken by the Columbia River Compact states of Oregon and Washington on June 3, 2009.

Thomas A. Ruddiman
Authorized Signer

Thomas A. Ruddiman
Printed Name

June 3, 2009
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: OAR Chapter 635, Division 023 relating to sport fisheries in the Columbia River.

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

Sport Sturgeon Fishery Closes In Bonneville Reservoir.

Statutory Authority: ORS 496.138, 496.146 and 506.119.

Other Authority:

Stats. Implemented: ORS 496.162 and 506.129.

Need for the Temporary Rule(s):

This amendment is needed to prohibit the retention of sturgeon in the Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam.

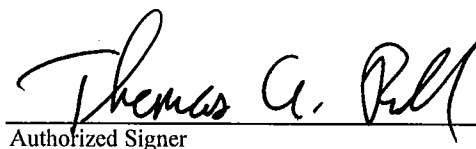
Documents Relied Upon, and where they are available:

1. Joint Staff Report, Spring Fact Sheet #5, dated June 3, 2009.
2. Columbia River Fishery Notice, Joint State Action, dated June 3, 2009.

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):

This rule is necessary to close the white sturgeon sport fishery in the Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam effective at 12:01 a.m. Saturday, June 6, 2009. White sturgeon fisheries are managed to provide adequate recruitment and regulatory protection of the broodstock population. There is insufficient time to initiate the permanent rulemaking process. If not closed by the effective date and time described in the rule modifications, the sturgeon sport fishery will most likely exceed the pre-season harvest guidelines. Failure to adopt this rule could result in over-harvest and serious prejudice to white sturgeon conservation and management needs, at the expense of white sturgeon resources.


Authorized Signer

Thomas A. Ruddiman
Printed name

June 3, 2009
Date



**Oregon Administrative Rules
Oregon Department of Fish and Wildlife**

635-023-0095

Temp Rule ef. 6-6-09 thru 10-9-09

Sturgeon Season

- (1) The **2009 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and 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 **2009 Oregon Sport Fishing Regulations**.
- (2) The Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam is open to the retention of white sturgeon with a fork length of 38-54 inches, three days per week, Thursdays through Saturdays, during the following periods:
- (a) January 1 through July 31; and
 - (b) October 1 through December 31.
- (3) The retention of white sturgeon in the area identified in section (2) of this rule is prohibited August 1 through September 30.
- (4) The Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:
- (a) January 1 through April 30;
 - (b) May 9 through June 28; and
 - (c) July 2 through July 5 (or until guideline is met).
- (5) The retention of white sturgeon in the area identified in section (4) of this rule is prohibited May 1 through May 8, June 29 through July 1, and from July 6 through December 31.
- (6) During the fishing period as identified in subsection (4)(a) of this rule, only white sturgeon with a fork length of 38-54 inches may be retained.
- (7) During the fishing period as identified in subsection (4)(b) of this rule, only white sturgeon with a fork length of 41-54 inches may be retained.
- (8) During the fishing period as identified in subsection (4)(c) of this rule, only white sturgeon with a fork length of 41-54 inches may be retained.
- (9) The Columbia River and tributaries from John Day Dam upstream to McNary Dam (John Day Reservoir) is closed to the retention of sturgeon effective 12:01 a.m. Monday, April 13, 2009.
- (10) The Columbia River and tributaries from The Dalles Dam upstream to John Day Dam (The Dalles Reservoir) are closed to the retention of sturgeon effective 12:01 a.m. Sunday, April 19, 2009.
- (11) The Columbia River and tributaries from Bonneville Dam upstream to The Dalles Dam (Bonneville Reservoir) is closed to the retention of sturgeon effective 12:01 a.m. Saturday, June 6, 2009.
- (12) Angling for sturgeon is prohibited from Marker 85 upstream to Bonneville Dam, from Highway 395 Bridge upstream to McNary Dam, and from the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31.
- (13) Retention of green sturgeon is prohibited all year in all areas.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 496.162 and 506.129