

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES

A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on September 25, 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
Terese Kucera 3406 Cherry Avenue NE, Salem, OR 97303 (503) 947-6033
Rules Coordinator Address Telephone

to become effective September 28, 2009 through December 31, 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.

Bag Limit for Hatchery Coho Increased In the Lower Willamette River

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:

635-017-0090

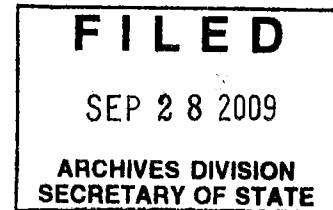
SUSPEND:

635-017-0090 (Temp. effective 9-1-09)

Stat. 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



RULE SUMMARY

The amended rule allows the sport harvest of three hatchery coho in the Lower Willamette River as shown on page 55, Section 1 of the **2009 Oregon Sport Fishing Regulations**. This modification allows sport anglers opportunities to harvest substantial numbers of coho that are returning to hatchery facilities.

Authorized Signer

Curtis E. Melcher

Printed Name

September 28, 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

DFW 118-2009 (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 017, related to 2009 Oregon Sport Fishing Regulations in the Willamette Zone

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

Bag Limit for Hatchery Coho Increased In the Lower Willamette River

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 allow sport anglers increased opportunities to harvest the excess hatchery coho that are returning to the Eagle Creek National Fish Hatchery on the Clackamas River.

Documents Relied Upon, and where they are available:

1. 2009 Oregon Sport Fishing Regulations, page 55.

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):

Higher than average returns of hatchery coho are projected for the 2009 return year in the Clackamas River. In order to provide angling opportunity in an area and time period when impacts to wild fish should be limited, the allowable bag limit for marked adult coho should be increased. There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this rule would limit opportunity to take advantage of surplus hatchery fish that are not needed for maintenance of hatchery broodstock; and could allow excessive straying of hatchery adults onto wild coho spawning grounds.



Authorized Signer

Curtis E. Melcher

Printed name

September 28, 2009

Date



Oregon Administrative Rules Oregon Department of Fish and Wildlife

635-017-0090

Inclusions and Modifications

(1) The **2009 Oregon Sport Fishing Regulations** provide requirements for the Willamette 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) Pacific Lamprey Harvest:

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;

(d) Gear is restricted to hand or hand-powered tools only;

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

(3) Effective September 1, 2009 through December 31, 2009 the Santiam River is open to the harvest of coho salmon as follows:

(a) Mainstem (open September 1, 2009 through December 31, 2009); North Fork up to Stayton-Scio Bridge in Stayton (open September 1, 2009 through December 31, 2009); North Fork from Stayton-Scio Bridge in Stayton up to Big Cliff Dam (open November 1, 2009 through December 31, 2009); South Fork up to Grant Street Bridge in Lebanon (open September 1, 2009 through December 31, 2009); South Fork from Grant Street Bridge in Lebanon up to Foster Dam (open November 1, 2009 through December 31, 2009)

(4) Effective September 1, 2009 the daily bag limit for adult salmon or steelhead is 2 per day, 20 per year. 5 jacks per day, 2 daily jack limits in possession, with the exception that in the Clackamas and Sandy rivers and Eagle Creek a tributary of the Clackamas River one additional adipose fin-clipped coho salmon may be retained per day for a total aggregate of three fish harvested daily.

(a) The daily bag limit described in section (4) above is a combined total for all open waters.

(5) Effective September 1, 2009 the daily bag limit for adult salmon or steelhead is 2 per day, 20 per year. 5 jacks per day, 2 daily jack limits in possession, with the exception that in the Tualatin and Yamhill rivers one additional coho salmon may be retained for a total aggregate of three fish harvested daily and in the Molalla, Santiam rivers (described in section (3) above), and Willamette River (river section 2 only) one additional coho salmon or adipose fin-clipped steelhead may be retained per day for a total aggregate of three fish harvested daily.

(a) The daily bag limit described in section (5) above is a combined total for all open waters.

(6) Effective September 1, 2009 the daily bag limit for adult salmon or steelhead is 2 per day, 20 per year. 5 jacks per day, 2 daily jack limits in possession, with the exception that in the Lower Willamette River (section 1 only) one additional adipose fin-clipped coho salmon may be retained per day for a total aggregate of three fish harvested daily.

(a) The daily bag limit described in section (6) above is a combined total for all open waters.

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

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