

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 May 13, 2010 by the
Date prior to or same as filing date

<u>Oregon Department of Fish and Wildlife</u>	<u>Fish Division</u>	<u>635</u>
Agency and Division		Administrative Rules Chapter Number
<u>Therece Kucera</u>	<u>3406 Cherry Avenue NE Salem, OR 97303</u>	<u>(503) 947-6233</u>
Rules Coordinator	Address	Telephone

to become effective May 22, 2010 through September 30, 2010.
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.

Sun Creek Recreational Brook and Brown Trout Fishery with No Daily Bag Limit

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:

635-021-0090

SUSPEND:

635-021-0090 (Temporary rule adopted May 6, effective 5-22-10, for the Powder River)

FILED

MAY 18 2010

ARCHIVES DIVISION
SECRETARY OF STATE

Stat. Authority: ORS 183.325, 496.138 and 496.146

Other Authority: _____

Stats. Implemented: ORS 496.162

RULE SUMMARY

This amended rule removes all size and daily bag limits and allows the use of bait in Sun Creek from May 22 through August 15, 2010. These modifications relax angling restrictions prior to chemical treatment on August 16, 2010 to remove any remaining brook and brown trout as part of a comprehensive project to restore native bull trout to lower Sun Creek.

Curtis E Melcher
Authorized Signer

<u>Curtis E. Melcher</u>	<u>May 18, 2010</u>
Printed Name	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 67-2010(T)

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 021, Related to Recreational Angling Regulations for Sun Creek.

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

Sun Creek Recreational Brook and Brown Trout Fishery with No Daily Bag Limit

Statutory Authority: ORS 183.325, ORS 496.138 and ORS 496.146

Other Authority:

Stats. Implemented: ORS 496.162

Need for the Temporary Rule(s):

The Department plans to chemically treat Sun Creek to remove brook and brown trout on August 16, 2010. Removal of non native brook and brown trout from the stream is needed to allow the re-colonization of the native bull trout.

Documents Relied Upon, and where they are available:

1. Email from Roger Smith, Klamath Watershed District Fish Biologist to Rhine Messmer, Recreational Fisheries Program Manager, dated May 12, 2010.

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):

There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this rule would result in serious prejudice to recreational fishers as it would deny them opportunity to harvest this valuable resource prior to the planned chemical treatment of Sun Creek on August 16, 2010 which will result in the loss of all unharvested fish.



Authorized Signer

Curtis E. Melcher
Printed name

May 18, 2010
Date



Oregon Administrative Rules Oregon Department of Fish and Wildlife

635-021-0090

Temp Rule ef. 5-22-10 thru 9-30-10

Inclusions and Modifications

(1) **2010 Oregon Sport Fishing Regulations** provide requirements for the Southeast 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 **2010 Oregon Sport Fishing Regulations**.

(2) Thief Valley Reservoir is open to angling for all game fish species from May 1 through September 30, 2010 with the following restrictions:

(a) The daily limit for trout is 15 fish;

(b) There are no minimum length requirements for trout; and

(c) All other General Statewide and Southeast Zone regulations, as provided in the **2010 Oregon Sport Fishing Regulations**, remain in effect.

(3) The Powder River is open to angling for spring Chinook salmon from Hughes Lane Bridge near Baker City upstream to Mason Dam from May 22 to September 1, 2010:

(a) The daily bag limit is two (2) adipose fin-clipped Chinook; two daily limits in possession.

(b) All other General, Statewide and Southeast Zone Regulations, as provided in the **2010 Oregon Sport Fishing Regulations**, remain in effect.

(4) Sun Creek is open to angling for brook and brown trout from May 22 through August 15 with the following restrictions:

(a) No daily bag limit or size restrictions; and

(b) Use of bait is allowed.

Stat. Auth.: ORS 183.325, 496.138, and 496.146

Stats. Implemented: ORS 496.162

Hist.: Adopted 5-13-10, f. 5-18-10, ef. 5-22-10