

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on June 4, 2010 by the
Date prior to or same as filing date

Oregon Fish and Wildlife Commission Chapter 635
Agency and Division Administrative Rules Chapter Number

Therese Kucera 3406 Cherry Avenue, Salem, OR 97303 (503) 947-6033
Rules Coordinator Address Telephone

to become effective August 1, 2010. Rulemaking Notice was published in the May 1, 2010 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Oregon Ocean Commercial, Terminal Area, and Coastal Zone Sport Salmon Fisheries
Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)
Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 635-003-0085, 635-013-0007, 635-013-0009, 635-014-0090 and 635-016-0090.

REPEAL: 635-013-0009 (TEMP.) 6/10/10

RENUMBER:

AMEND & RENUMBER:

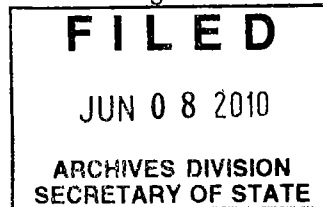
Stat. Auth.: ORS 496.138, 496.146, 497.121 and 506.119.

Other Auth.:

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

RULE SUMMARY

Amended rules for sport and commercial fishing regulations for coastal fall Chinook in Tillamook, Elk and Chetco ocean terminal areas. Amended rules for sport angling regulations for coastal fall Chinook in bays and rivers. Also amended sport angling regulations to provide terminal recreational fisheries for non adipose fin-clipped coho in the Siletz, Tenmile and Coquille basins with open areas, bag limits, seasons, and quotas. Modifications to regulations for 2010 conform to recent federal regulation changes. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.



Curtis E. Melcher
Authorized Signer

Curtis E. Melcher
Printed name

June 7, 2010
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

**The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.
ARC 930-2005

DFW 76-2010



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635-003-0085

Extended Commercial Seasons

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:

(1) Elk River Ocean Terminal Area - from October 15 through the earlier of November 30 or quota of 1,250 Chinook in the area described in section (1)(a) of this rule.

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbog Mountain).

(b) During the season described in this section (1), it is *unlawful* to take Chinook salmon less than 28 inches in total length; it is *unlawful* to use multipoint or barbed hooks or to fish more than four spreads per line; it is *unlawful* to make more than one landing of Chinook per day; and it is *unlawful* to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to elksw.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(2) Tillamook Bay Ocean Terminal Area - from September 1 through the earlier of October 31 or quota of 600 Chinook in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area between Pyramid Rock (45°29'48" N. Lat.) and Twin Rocks (45°35'54" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (2), it is *unlawful* to take Chinook salmon less than 28 inches in total length and it is *unlawful* to use multipoint or barbed hooks or to fish more than four spreads per line; and it is *unlawful* to have in possession or to land more than 25 Chinook per calendar week (Sunday through Saturday). Landings are restricted to Garibaldi.

(c) All vessels landing salmon caught in this season must report to the Department within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 271 or by e-mail to tillsw.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

(3) Chetco River Ocean Terminal Area - from October 13 through the earlier of October 31 or quota of 500 Chinook in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore;

(b) During the season described in this section (3) it is *unlawful* to take Chinook salmon less than 28 inches in total length; it is *unlawful* to use multipoint or barbed hooks, or to fish more than four spreads per line; it is *unlawful* to make more than one landing of Chinook per day; and it is *unlawful* to have in possession or to land more than 20 Chinook per day taken in this fishery. Landings are restricted to Brookings.

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzor.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stat. Implemented: ORS 506.129

635-013-0007

Special South Coast Seasons

In addition to the open seasons prescribed in OAR 635-013-0005 there are open seasons for Chinook salmon as follows:

(1) Elk River Area.

(a) From October 15 through November 30 in all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to



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Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain);

(b) During the season described for the Elk River Area in section (1)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. It is unlawful to use multipoint or barbed hooks.

(2) Chetco River Area.

(a) From October 1-12 in an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore.

(b) During the seasons described in section (2)(a) of this rule it is *unlawful* to take Chinook salmon less than 24 inches in length. No more than one Chinook salmon may be retained per day and no more than 5 fish may be retained during the October 1-12 season. It is *unlawful* to use multipoint or barbed hooks.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 496.162 and 506.129

635-013-0009

Tillamook Terminal Area Ocean Fishery

(1) In addition to the open seasons prescribed in OAR 635-013-0004 there are open seasons for Chinook salmon in the areas described in Section (2) of this rule.

(2) The Pacific Ocean waters inside an area south of Twin Rocks (45°35'54" N. Lat.) and north of Pyramid Rock (45°29'48" N. Lat.) and seaward three nautical miles offshore are open for Chinook salmon September 1 through October 31.

(3) During the open season for adipose fin-clipped coho salmon in the ocean, the Terminal Area described in section (2) of this rule is open to angling for salmon consistent with federal sport salmon management measures for the area from Cape Falcon to Humbug Mountain.

(4) During the period of September 1-October 31, in the area described in section (2) above no more than 1 non fin-clipped Chinook salmon may be retained per day and no more than 10 non fin-clipped Chinook salmon may be retained in the seasonal aggregate when combined with all other waters in the Northwest Zone and all state waters terminal area seasons in the Marine Zone with a 10 Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all non fin-clipped Chinook salmon retained between August 1 and December 31, except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31. For purposes of this rule, adult salmon are Chinook having a length greater than 24 inches.

(5) No more than two single-point, single-shank barbless hooks are required in the ocean when these ocean waters are open for the adipose fin-clipped coho salmon fishery and in the ocean outside the Terminal Area at all times.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 496.162 and 506.129

635-014-0090

Inclusions and Modifications

(1) The **2010 Oregon Sport Fishing Regulations** provide requirements for the Northwest 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** pamphlet.

(2) Notwithstanding all other requirements provided in the **2010 Oregon Sport Fishing Regulations** pamphlet, the following additional rules apply to adult salmon angling in waters of the Northwest Zone:

(a) All waters of the Necanicum River and Tillamook Bay Basin, (including the Miami, Kilchis, Wilson, Trask, and Tillamook rivers) that are open for Chinook salmon are limited to no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and all state waters terminal area seasons in the Marine Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate



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applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(b) In all waters of the Nehalem River Basin (including the North Fork) and the Nestucca River Basin (including the Little Nestucca and Three Rivers) that are open to Chinook salmon the daily catch limit may include no more than 1 adult non fin-clipped Chinook salmon per day and 2 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone with a 2 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31 except in the Nehalem Basin where the seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between July 1 and December 31.

(c) Within the Nehalem Basin (including the North Fork) the following additional rules apply:

(A) Mainstem (bay) closed to all salmon/steelhead angling seaward from a line extending from Nehalem Bay State Park Boat Ramp to Fishery Point July 1 through September 30 and closed to all Chinook angling upstream of Highway 53 Bridge (RM 5.8) at Mohler September 1 through December 31.

(B) Closed to all Chinook angling above the Miami-Foley Road Bridge July 1 through December 31.

(d) Within the Nestucca Basin (including the Little Nestucca River and Three Rivers) the following rules apply:

(A) Mainstem Nestucca tidewater and bay below Cloverdale Bridge (RM 7.1) closed to all salmon and steelhead angling August 1 through September 15.

(B) Mainstem Nestucca River above Cloverdale Bridge (RM 7.1) closed to all Chinook angling August 1 through September 15.

(i) Nestucca bay downstream of ODFW sign at the southern end of Guardrail Hole (aka Fishery Point, Brooten Road MP 4.5): Closed to all salmon/steelhead angling August 1 through December 31.

(C) Three Rivers closed from mouth upstream to hatchery weir deadline July 1 through September 30.

(D) Little Nestucca including all Little Nestucca tidewater: Closed to all Chinook angling August 1 through December 31.

(E) Mainstem Nestucca River upstream of Farmer Creek (RM 12.5) closed to all Chinook angling August 1 through December 31.

(e) In all waters of Salmon River, the Siletz River Basin, and Yaquina River Basin open for Chinook salmon, the daily catch limit may include no more than 1 adult non fin-clipped Chinook salmon per day and 10 adult non fin-clipped Chinook salmon in the seasonal aggregate when combined with all other waters in the Northwest Zone and all state waters terminal area seasons in the Marine Zone with a 10 adult non fin-clipped Chinook salmon seasonal aggregate limit. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(A) Siletz River and Bay upstream to Old Mill Park Boat Launch at RM 36.0 open for all coho from September 1 through the earlier of November 30 or attainment of an adult coho quota of 400 non-finclipped coho.

(B) The catch limit may include one adult non fin-clipped coho salmon for the entire season and one non fin-clipped jack coho salmon per day during periods when retention of non fin clipped adult coho salmon is allowed, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(f) Within the Siletz River Basin the following additional rules apply:

(A) Drift Creek (Siletz River Basin) upstream of the confluence with Quarry Creek at RM 8 is closed for Chinook salmon from August 1 through December 31, 2010; and

(B) all waters of the Siletz River (including all tributaries) upstream of Old Mill Park Boat Launch at RM 36.0 are closed for Chinook salmon from August 1 through December 31, 2010.

(g) Within the Yaquina River Basin the following additional rules apply:

(A) All waters of the Yaquina River upstream of the confluence of the Yaquina River and Big Elk Creek at RM 18.3 and all waters of Big Elk Creek (Yaquina River Basin) are closed for Chinook salmon from August 1 through December 31; and



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(h) Within the Alsea River Basin the following additional rules apply:

(A) All waters of Drift Creek (Alsea River Basin) within the Drift Creek Wilderness Area and upstream are closed for Chinook salmon from August 1 through December 31; and

(B) all waters of the Alsea River upstream of the confluence with Five Rivers at RM 21; and

(C) all waters of Five Rivers are closed for Chinook salmon from October 16 through December 31, 2010.

(i) Within the Siuslaw River Basin the following additional rules apply:

(A) All waters of the Siuslaw River upstream of the confluence with Lake Creek at RM 30.0 are closed for Chinook salmon from August 1 through December 31;

(B) All waters of Lake Creek closed for Chinook salmon August 1 through December 31 and all waters of Lake Creek downstream of Fish Creek are closed to all angling from September 1 through November 30.

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

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

635-016-0090

Inclusions and Modifications

(1) The **2010 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 **2010 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other requirements provided in the **2010 Oregon Sport Fishing Regulations**, the following restrictions apply to angling in waters of the Southwest Zone:

(a) Within the Coos River Basin the following additional rules apply:

(A) All waters of the South Fork Coos River upstream from the head of tidewater at Dellwood at RM 10.0 are closed for Chinook salmon from August 1 through December 31 and closed for steelhead from August 1 through November 14; and

(b) Within the Coquille River Basin the following additional rules apply:

(A) Open for non fin-clipped coho salmon in Coquille River and Bay upstream to the Highway 42S bridge (Sturdivant Park) at RM 24.0 from September 1 through the earlier of November 30 or attainment of an adult coho quota of 1,200 non fin-clipped coho. The daily catch limit may include one adult non fin-clipped coho salmon per day and one non fin-clipped jack coho salmon, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(c) Within the Tenmile Lakes Basin the following additional rules apply:

(A) Tenmile Lakes (Coos County) upstream from Hilltop Bridge are open for non fin-clipped coho salmon from October 1 through the earlier of December 31 or attainment of an adult coho quota of 500 non-finclipped coho. The daily catch limit may include one adult non fin-clipped coho salmon per day and one non fin-clipped jack coho salmon, and no more than 5 total adult non fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone. Only one rod per angler may be used while angling for coho. Streams that empty into North and South Tenmile Lakes are not open to coho salmon angling, nor is the canal that connects North and South Tenmile Lakes.

(d) All waters of Floras Creek upstream of the County Road 124 bridge over Floras Creek at RM 5.0 are closed for Chinook salmon between August 1 and December 31.

(e) All waters of the Sixes River upstream of Edson Creek at RM 10.0 are closed for Chinook salmon between August 1 and December 31.

(f) All waters of the Chetco River mainstem upstream of the powerline crossing at RM 2.2 are closed to angling from August 1 through November 5.

(g) All waters of the Winchuck River mainstem, including tidewater, are closed to angling from August 1 through November 5.

Stat. Auth.: ORS 496.138 and 496.146

Stats. Implemented: ORS 496.162