

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 October 10, 2011 by the
Date prior to or same as filing date

Oregon Fish and Wildlife Commission

Agency and Division

635

Administrative Rules Chapter Number

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to become effective October 12, 2011 through December 31, 2011.

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.

Closure of the Non-finclipped Coho Fishery In the Coquille River and Bay

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

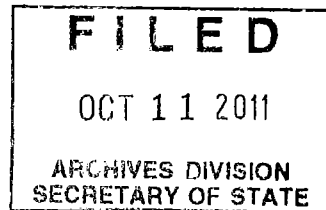
ADOPT:

AMEND:

635-016-0090.

SUSPEND:

635-016-0090 (Temp. Rule effective 10-1-11).



Stat. Authority: ORS 496.138 and 496.146

Other Authority: _____

Stats. Implemented: ORS 496.162

RULE SUMMARY

Amended rule closes the Coquille River and Bay non fin-clipped coho fishery which opened on September 15 due to the anticipated attainment of the preseason harvest allocation for this fishery.

Authorized Signer

Debbie Colbert

Printed Name

October 10, 2011

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 10-5-2011 (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: OAR Chapter 635, Division 016, relating to recreational coho salmon fisheries in the Coquille Basin.

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

Closure of the Non-finclipped Coho Fishery In the Coquille River and Bay.

Statutory Authority: ORS 496.138 and 496.146.

Other Authority:

Stats. Implemented: ORS 496.162.

Need for the Temporary Rule(s):

These rule modifications are needed to close the retention of non fin-clipped coho salmon in the Coquille River and Bay on October 12, 2011 due to expected attainment of the 825 non fin-clipped adult coho allocation.

Documents Relied Upon, and where they are available:

1. Email from Michael Gray, ODFW Supervising Biologist at the Charleston Field Office; to: Tim Walters, Jessica Sall, and Lance Thomson, dated October 10, 2011.

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 not adequate time to go through normal rulemaking proceedings to close these fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishers would be allowed to exceed the preseason harvest allocation for this fishery.


Authorized Signer

Debbie Colbert
Printed name

October 10, 2011
Date



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635-016-0090

Temp. Rule effective 10-12-11 thru 12-31-11

Inclusions and Modifications

(1) The **2011 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 **2011 Oregon Sport Fishing Regulations**.

(2) Notwithstanding all other requirements provided in the **2011 Oregon Sport Fishing Regulations**, the following restrictions apply to angling in waters of the Southwest Zone:

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

(A) Open for non adipose fin-clipped coho salmon in the Mainstem Umpqua River and Bay from the mouth to Scottsburg Bridge at RM 27.5 from September 15 through the earlier of November 30 or attainment of an adult coho quota of 1,300 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho, and no more than 2 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone with a 2 adult non adipose fin-clipped coho salmon seasonal aggregate limit.

(B) Mainstem Umpqua River and Bay from the mouth to Scottsburg Bridge at RM 27.5 closed to retention of non adipose fin-clipped coho salmon beginning 12:01 a.m. Saturday, October 1, 2011.

(b) 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 all salmon angling from August 1 through December 31 and closed for steelhead from August 1 through November 14; and

(B) Open for non adipose fin-clipped coho salmon upstream to the head of tide at Dellwood at RM 10.0 on the South Coos River and to the East Fork/West Fork Millicoma confluence from September 15 through the earlier of November 30 or attainment of an adult coho quota of 1,200 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

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

(A) Open for non adipose fin-clipped coho salmon in Coquille River and Bay upstream to the Highway 42S bridge (Sturdivant Park) at RM 24.0 from September 15 through the earlier of November 30 or attainment of an adult coho quota of 825 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose fin-clipped coho salmon in the seasonal aggregate from all waters in the Northwest Zone and Southwest Zone.

(B) Mainstem Coquille River and Bay from the mouth to Highway 42S Bridge at RM 24 closed to retention of non adipose fin-clipped coho salmon beginning 12:01 a.m. Wednesday, October 12, 2011.

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

(A) Tenmile Lakes (Coos County) upstream from Hilltop Bridge are open for non adipose fin-clipped coho salmon from October 1 through the earlier of December 31 or attainment of an adult coho quota of 875 non adipose fin-clipped coho. The daily catch limit may include one adult non adipose fin-clipped coho salmon per day and one non adipose fin-clipped jack coho salmon, and no more than 5 total adult non adipose 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.

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

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

(A) All waters of the Sixes River Basin 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 waters of the Elk River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.

(B) Closed to Chinook salmon upstream of Edson Creek at RM 10.0 from August 1 through December 31.

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

(A) All waters of the Elk River Basin 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 waters of the Sixes River and Elk River Ocean Terminal Area. Seasonal aggregate applies to all adult non fin-clipped Chinook salmon retained between August 1 and December 31.



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(h) 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 4.

(i) All waters of the Winchuck River mainstem, including tidewater, are closed to angling from August 1 through November 4.

(j) Diamond Lake is open April 23 through October 31, 2011.

(A) Effective April 23-30 and October 28-31, 2011 trout catch limits are 5 per day, two daily limits in possession; 8-inch minimum length, only one trout over 20 inches may be taken per day; and use of bait is not allowed.

(B) Effective May 1 through October 27 trout catch limits are increased to 8 per day – all other regulations remain as stated in section (2)(h)(A) above and in the *2011 Oregon Sport Fishing Regulations*.

Stat. Auth.: ORS 496.138 and 496.146

Stats. Implemented: ORS 496.162